



Pooks Hill: Sketch Plan Amendment No 32015006A and Site Plan Amendment No. 81982098C

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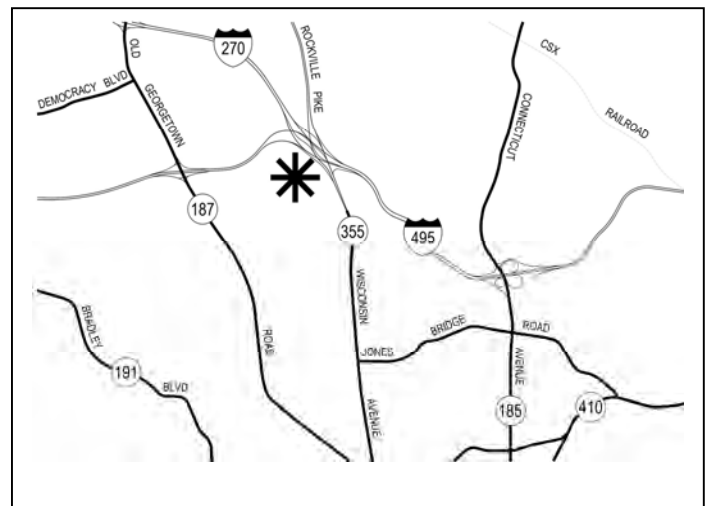
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Completed: 9/12/2016

Description

- Construction of two residential buildings for a maximum of 905,250 square feet of total development, with up to 645,657 square feet of residential development including 631 multi-family dwelling units, and 15% MPDUs and up to 259,593 square feet of non-residential uses (existing hotel use);
- Current use: surface parking lots and hotel;
- Located at: 5151 Pooks Hill Road, approximately 1,200 west of intersection with Rockville Pike;
- Size: 6.0 acres of 19.38- acre site;
- Zoned: CR 1.0, C 1.0, R 0.75, H 160;
- Master Plan: 1990 Bethesda-Chevy Chase
- Applicant: Pooks Hill JV, LLC
- Filing date: February 19, 2016.



Summary

- The Planning Board approved a Sketch Plan Application No. 320150060 on September 15, 2015.
- The Planning Board approved a continuance request for Sketch Plan Amendment No. 32015006A and Site Plan No 820160080 on June 30, 2016.
- The Project will create up to 631 units in two multi-family residential buildings to include 15% moderately priced dwelling units, underground structured parking and onsite amenities and leave the hotel in its existing condition.
- Staff and the County Arborist recommend only **partial approval** of the variance request, subject to condition.
- Staff recommends approval of the Preliminary and Final Forest Conservation Plans.
- Staff recommends approval of the Sketch Plan Amendment and Site Plan Amendment with conditions.
- Staff has received correspondence from the community in opposition to the Site Plan Amendment Application. Community opposition has focused on increased density, congestion, school enrollment and limitation to water and sewer capacity.

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SECTION 1: EXECUTIVE SUMMARY

Sketch Plan Amendment No. 32105006A

The Planning Board approved a Sketch Plan Application No. 320150060 on September 15, 2015 for two residential buildings with up to 549,755 square of residential development for up to 650 units, plus 97,000 square feet of residential development for 15% MPDU's and 259,593 square feet of existing non-residential uses. The Applicant seeks to amend the binding elements and conditions of the Sketch Plan under Section 59.7.3.3.1 of the 2014 Zoning Ordinance as follows:

- Amend the public benefits schedule to eliminate the minimum parking requirements under the Connectivity and Mobility Category.

Without the minimum parking requirement, the Sketch Plan Amendment continues to satisfy the findings under Section 59.4.5.4 of the 2014 Zoning Ordinance and substantially conforms to the recommendations of the *1990 Bethesda-Chevy Chase Master Plan*. Staff recommends approval with conditions.

Site Plan Amendment No. 81982098C

After accepting this Application as a new Site Plan No. 820160080, Staff realized that the Application should have been accepted as an Amendment to the previously approved Site Plan No. 819820098B for the entire property which includes the existing hotel. The entire 19.38-acre property is recorded as Parcel K and the condominium regimen created in 2006 for the two land condominium units continues to recognize the property as a single parcel.

Site Plan Amendment No. 81982098C proposes two multi-family residential buildings with up to 645,657 square feet to include 631 units, including 15% MPDU's on approximately 6.0 acres of the entire 19.38-acre property in the CR 1.0 C1.0, R 0.75, H160. Each building will have an underground parking garage and onsite residential amenities. The existing hotel remains unchanged. The Site Plan Amendment meets all the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method of development public benefits provisions of Division 4.7 of the Zoning Ordinance and the general development standards of Article 59.6 of the Zoning Ordinance. Staff recommends approval with conditions.

SECTION 2: RECOMMENDATION AND CONDITIONS

Sketch Plan Amendment No. 32015006A

Staff recommends approval of Sketch Plan Amendment No. 32015006A, Pooks Hill, for 905,250 square feet of development (including 96,849 square feet for MPDUs) to include a maximum of 548,808 square feet of multi-family residential uses within two new residential buildings including up to 631 multi-family units and 259,593 square feet of non-residential uses within the existing hotel building on one lot consisting of 19.38 gross acres, zoned CR 1.0, C 1.0, R 0.75, H 160.

The following two development conditions supersede the previous conditions of Sketch Plan No. 321050060 in their entirety, all others remain in full force and effect:

1. Condition B.1 Density

The development is limited to a maximum total density 905,250 square feet including a maximum of 548,808 square feet of residential development in the residential buildings (plus 96,849 square feet of residential development for MPDUs per section 59.4.7.3.D.6.c.iii), including up to 631 multi-family dwelling units and a maximum of 259,593 square feet of existing commercial density in the hotel building.

2. Condition B. 3. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59-7.3.3.1 at the time of Site Plan. Total points must equal at least 100 and be chosen from at least three categories as required by Section 59.4.5.4.A.2 as modified by Section 59.4.7.3.D.6.a.v. The requirements of Division 59-4.7 and the *2015 CR Zone Incentive Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at time of Site plan approval.

- a. Transit proximity achieved through location within one mile of Grosvenor Metrorail Station.
- b. Diversity of Uses and Activities achieved through affordable housing.
- c. Quality of Building and Site Design achieved through below grade structured parking, architectural elevations, exceptional design.
- d. Protection and Enhancement of the Natural Environment achieved through building lot termination, vegetated wall, tree canopy, vegetated areas, vegetated roof and cool roof.

Site Plan Amendment No. 81982098C

Staff recommends approval of Site Plan Amendment No. 819820098C for up to 905,250 square feet of total development including up to 645,657 square feet of multi-family residential development within two new residential buildings for up to 631 multi-family residential units including 15% MPDUs on-site on approximately 6.0 acres in the CR 1.0, C 1.0, R 0.75, H160 and 259,593 square feet of the existing Hotel Unit. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions which apply to the Multi-family unit unless otherwise specified.

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 32015006A and any amendments.

2. Noise Attenuation

- a. Prior to issuance of a building permit for each residential building, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits for each residential building, the Applicant must provide Staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accordance with the approved specifications for noise attenuation.
- d. If the Site Plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans and new noise attenuation features may be required.
- e. Prior to issuance of any Use and Occupancy Certificate for residents in each residential building, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

3 Forest Conservation

Prior to clearing, grading or demolition onsite, the Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department for the entire site. The FFCP must address the following:

- a. The existing onsite forest amount must be corrected to reflect the 0.08 acres of the forest which is absent from the area south of the garden encroachment, shown as afforestation area 6.
- b. The forest conservation worksheet must be revised to reflect the corrected forest amounts and the corresponding reforestation requirements. All related plan notes, tables and figures must also be updated/corrected accordingly.
- c. The forest conservation requirements must be met onsite and include the demolition and reforestation of the general area currently occupied by the tennis court.
- d. The Applicant shall make good faith efforts on plan revisions to minimize grading/disturbance within the CRZ of tree 7 and explore tree protection/stress reduction measures which could be reasonably implemented.
- e. All tree protection measures must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
- f. Further revise invasive control program and plan notes to specify approximate quantities of the supplemental plantings needed.
- g. Provide notes and specifications for demolition of existing pavement in proposed forest conservation areas.
- h. Prior to Certified Site Plan approval, the Applicant will coordinate with Staff on any necessary minor plan revisions, clarifications and corrections within the Final Forest Conservation Plan.

Open Space, Facilities and Amenities

4. Open Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements along the Subject Property's frontage on Pooks Hill Road as shown on the Certified Site Plan.
- b. Prior to the issuance of any Use and Occupancy certificate, all open space areas on the Subject Property must be completed.

5. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities on-site: 12 picnic/sitting areas, two pedestrian systems, two indoor swimming pools, and two indoor fitness facilities.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and central plaza area.

7. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *2015 CR Zone Incentive Density Implementation Guidelines* for each one:

- a. Transit Proximity

Prior to the release of any above grade building permits for development on the site exclusive of any sheeting and shoring permits, the Applicant must execute a Transportation Enhancement Agreement (TEA) with the Planning Board and MCDOT to provide the private shuttle service to the Grosvenor Metrorail station.

- b. Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs
 - a. The Applicant must provide affordable housing units in accordance with the MPDU recommendations in Montgomery County's Department of Housing and Community Affairs' (MCDHCA) letter dated July 29, 2016, which the Planning Board accepts and hereby incorporates as conditions of the Site Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan Amendment approval.
 - b. Prior to issuance of any building permit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.
- c. Quality Building and Site Design
 - i. Below Grade Structured Parking

The Applicant must provide structured parking in a below-grade structure as necessary to achieve 19.7 public benefit points using the following formula from the *Implementation Guidelines*: $[(A/P)/(A/R)]*10$, where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.
 - ii. Architectural Elevations

The Applicant must design and construct the ground floors of each building to provide visibility into and out of ground floor space and terrace areas. Entrance doors must be placed as shown on the Certified Site Plan.
 - iii. Exceptional Design

The Applicant must construct both buildings in a manner consistent with architectural elevations shown in the Certified Site Plan.
- d. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations

Before issuance of the any above-grade building permit, the Applicant must provide proof of purchase and/or payment of 0.075 BLTs equal to 28,967 square feet to the MCDPS.
 - ii. Vegetated Wall

The Applicant must install and maintain a vegetated wall that covers at least 30 percent of the blank wall along the service driveway for the North Tower which is visible from Pooks Hill Road.
 - iii. Tree Canopy

The Applicant must protect tree canopy with at least 15 years of growth on at least 25 percent of the on-site green area.
 - iv. Vegetated Area

The Applicant must install plantings in a minimum of 12 inches of soil covering at least 5,000 square feet which does not include stormwater management facilities or vegetated roofs on the north residential building wall facing the service entry drive.
 - v. Vegetated Roof

The Applicant must install a vegetated roof on each residential building with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment and cool roof, as shown on the Certified Site Plan.

vi. Cool Roof

The Applicant must provide a roof on each building with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

Transportation & Circulation

8. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 11, 2016, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Site Plan approval.
9. The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MSHA”) in its letters dated May 3, 2016 and June 8, 2016, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA, provided that the amendments do not conflict with other conditions of the Site Plan approval.
10. The Applicant must provide a total of six (6) short-term public bicycle parking racks (equivalent to 12 bicycle parking spaces) to be installed near the main residential entrances to each multi-family building and the secure long term private bicycle parking spaces to be installed internal to each multifamily building.
 - i). Specific details and location of all bicycle parking spaces must be shown on the Certified Site Plan.
 - ii) The two hundred (200) long -term bicycle spaces must be distributed evenly across both residential buildings and must be installed prior to issuance of a Certificate of Use and Occupancy for each phase.

Adequate Public Facilities

11. The Applicant must enter into a Transit Enhancement Agreement (TEA) with the Planning Board and MCDOT to memorialize efforts to increase non-auto driver mode share and must execute the TEA prior to the release of any above grade building permits for development on the site exclusive of any sheeting and shoring permit. The TEA must include trip mitigation measures recommended by MCDOT.
 - a. The Applicant must provide a private shuttle service, connecting the Subject Property with the Grosvenor Metrorail Station for the life of the Project. The shuttle must operate no less frequently than 30-minute headways during the weekday morning and evening peak periods.
 - b. The shuttle vehicle and timetable must be operational and published prior to issuance of the Certificate of Use and Occupancy for the first building.
12. The Applicant must satisfy the Adequate Public Facilities Transportation Policy Area Review (TPAR) for transit and roadways by making a TPAR Mitigation Payment equal to 50% of the applicable development transportation impact tax to Montgomery County Department of Permitting Services (MCDPS). The timing and amount of the payment will be in accordance with Chapter 52 of Montgomery County Code.
13. Schools

The Subject Property is within the Walter Johnson School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code
14. The Adequate Public Facility (APF) review for the Site Plan will remain valid for eighty-five (85)

months from the date of mailing of the Planning Board resolution.

Site Plan

14. Building Height

The Multi-Family development is limited to the maximum height of 160 feet.

15. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities for each building must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

16. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. Deflectors will be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

17. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1. Of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, retaining walls, and paths and associated improvements.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

18. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

19. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Ensure consistency of all details and layout between Site and Landscape Plans.
- b. Submit a lighting plan for each rooftop deck.
- c. Include the stormwater management concept approval letter, development program, Sketch Plan Amendment and Site Plan Amendment resolutions on the approval or cover sheet(s).
- d. Modify the Site Plan Amendment Data Table to reflect development standards approved by the Planning Board.

SECTION 3: SITE DESCRIPTION

Site Vicinity and Analysis

The Site, a 19.38-acre property, is located along the north side of Pooks Hill Road, approximately 1,200 feet west of its intersection with Rockville Pike (MD 355) and is bounded by MD 355 and Capital Beltway (I-495) to the north and east, a multi-family high-rise residential building, the Promenade, to the west and Pooks Hill Road to the south.

The neighborhood surrounding the Subject Property is a mix of established medium and high-density residential buildings. The Site is located in the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan) area. It contains the Multi-Family Unit and the Hotel Unit which is developed as the Bethesda Marriott, a 15-story hotel, and Conference Center.



Figure 1: Vicinity Map (Entire 19.38-acre site shown in Red)

This Property was recorded as Parcel K (Plat book 102, Plat No #115-32) in the county Land records on April 19, 1977. Parcel K contained 17.91 acres in the H-M Zone. In 2006, the Property was subject to a condominium

regimen that created two land condominium units, the Development Parcel Unit and the Hotel Unit (“Hotel Unit”) as shown in Figure 2. For the purposes of this report, the Development Parcel Unit will be referred to as the Multi-Family Unit.

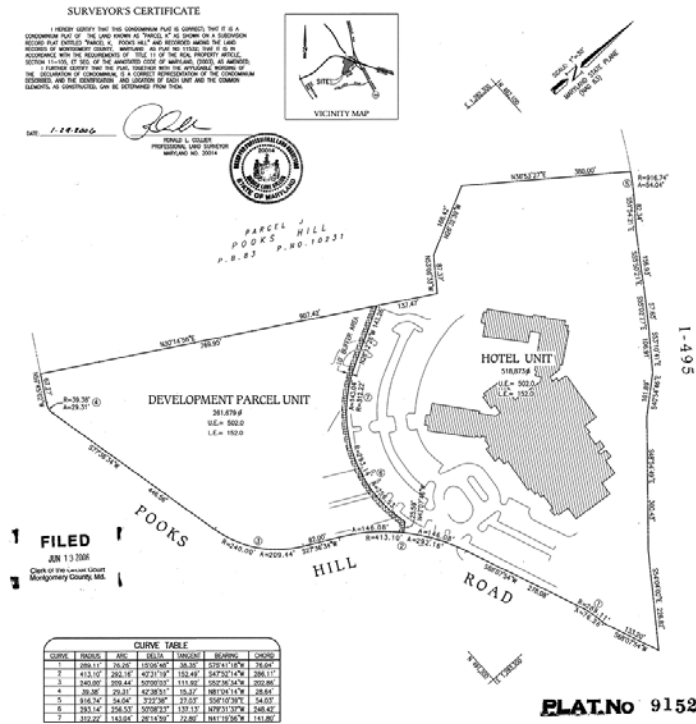


Figure 2: Condominium Regimen

The gross tract area of the Subject Property is 19.38 acres. The Property is improved with surface parking lots on the Multi-Family Unit, which comprise 6.0 acres. The Bethesda Marriott and Conference Center on the Hotel Unit, comprises 11.92 acres and previous dedications account for 1.46 acres

Currently, the Multi-Family Unit is developed with terraced surface parking lots and drive aisles which connect to the existing parking lots for the abutting hotel. The Multi-Family Unit has a rolling topography with changes in elevation, as the southwest portion of the Property is approximately 90 feet higher than the elevation at the east side of the Property. It is heavily forested along western property line. There are no historic properties on site. The Property contains forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site.



Figure 3: Aerial View of Entire Site

Zoning History

The Montgomery County Council approved Countywide District Map Amendment (G-956) on July 15, 2014, and it became effective on October 30, 2014. Under G-956, the Property was rezoned from the H-M (Hotel-Motel) Zone to the Commercial Residential Zone (CR-1.0 C-1.0 R-0.75 H-160). The existing hotel structure and its associated site design are deemed conforming under Section 59.7.7.1.A.1 of the Zoning Ordinance and are not required to comply with the current CR zoning on the Site. Additionally, Section 59- 7.7.1.5 b of the 2014 Zoning Ordinance, entitled *Exemptions and Nonconformities* states the following:

b. Any development on a property that was zoned H-M on October 29, 2014 must include 45% green area, under the zoning in effect on October 29, 2014, until the property is subject to a Sectional Map Amendment or rezoned by Local Map Amendment. The green area required under this provision satisfies, and is not in addition to, any open space requirement of the property's zoning on October 30, 2014.

Thus, the entire 19.38-acre property will need to fulfill a green area requirement of 45% and is not subject to open space requirements of the Optional Method of Development as set forth in Section 59.4.5.4.B.1 of the Zoning Ordinance.

SECTION 4: PROJECT DESCRIPTION

Previous Approvals

Planning Board approved a Sketch Plan No. 320150060 by Resolution dated September 15, 2015 (Attachment A). The Sketch Plan established several binding elements on the site:

1. Maximum total density and height.
2. Approximate location of forest conservation areas;
3. General location and extent of green space and internal open space;
4. General location of vehicular access points; and
5. Public benefits schedule.

Sketch Plan Amendment

The Applicant seeks an Amendment to the binding elements of the approved Sketch Plan Application by revising one of the public benefits to eliminate the *Connectivity and Mobility Category*. The Project continues to meet the required number of public benefits categories for the CR zone.

Proposal

The Site Plan Amendment proposes two residential multi-family residential buildings with up to 631 units including 15% MPDUs on site. Each building (or tower) will have an underground parking garage and onsite amenities for residents.

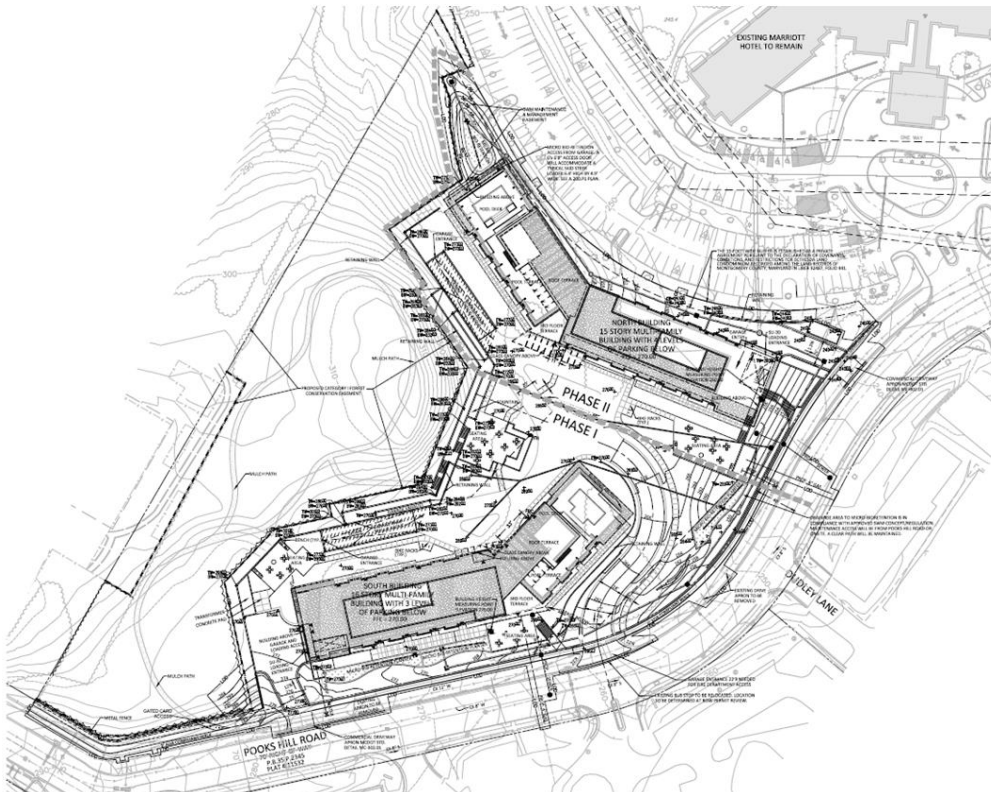


Figure 4: Proposed Site Plan showing Phase 1 and Phase 2 of development

Uses and Density

The Site Plan Amendment proposes to redevelop the Property with two multi-family buildings on 6.0 acres of the 19.38-acre tract. The Applicant proposes up to 645,657 square feet of residential uses with up to 631 multi-family residential units, including 15 percent MPDUs (95 units) which will be split between the two buildings. Structured underground parking, on-site amenities will be provided in each building for residents as well as a green area with walking path located in the rear of the multi-family property.

The Property is zoned CR 1.0, C 1.0, R 0.75, H 160. For projects providing a minimum of 15% MPDUs, the Gross Floor Area (GFA) of all MPDUs are exempt from the calculation of Floor Area Ratio (FAR) under Section 4.7.3.D.6.c.iii of the Zoning Ordinance. With the exclusion of the MPDU square footage the residential FAR will be 0.65 for this Site. If the MPDUs were included, the FAR for this site would be 0.77. Therefore, by providing MPDUs the Applicant is allowed to exceed the residential density FAR of 0.65, however the height mapped in the zone at 160 feet has not been increased.

Buildings and Site Design

The Project will consist of two multi-family residential buildings or towers. Each tower will be 160 feet in height with an angled shape. Primary building materials for the towers are glass and masonry articulated in a vertical orientation on each facade. The two lower floors of each tower will be articulated to define a base upon which the body of the tower sits. The slightly angled towers are split at the middle with increased glazing to define vertical circulation and break the length of the towers. This break in the middle also provides sunlight into and views at the elevator core of each building. The configuration of each building also minimizes impacts on the views from the adjacent Promenade complex. The building's facades with semi-recessed balconies further adds to the articulation of each building. Modulation of the massing of the buildings' facades and upper floors serves to reduce bulk. The flat profile of the rooflines has been broken-up by a raised tower structure introduced at each buildings center to announce the entrances which adds a sculptural characteristic to each roofline and gives each building a distinct finish. The South Tower has a street-oriented entrance from Pooks Hill Road and connects to terrace seating areas along this frontage. The main entrance to the North Tower is from the central plaza area. A new set of stairs from the existing sidewalk on Pooks Hill Road serves as a secondary entrance to the North Tower and its terrace seating areas.



Figure 5: Street View of both Towers looking north from Pooks Hill Road (South Tower in foreground)

The seating and landscaped areas create an inviting central plaza and terraces along each building's frontage. A direct path to the green area from the central plaza improves connectivity throughout the Multi-family property and enhances opportunities to connect with nature. Landscaped screening for each building's service and loading areas maintains the residential character along Pooks Hill Road.

Each tower offers the following rooftop amenities for future residents: club room, catering kitchen, fitness center, changing room and locker facilities, and outdoor pool and green roof sundeck. Additional residential amenities include a business center and concierge service located adjacent to the ground level entrances in each tower.



Figure 6: Street Level View from Pooks Hill Road looking at the South Tower

Phasing

This Multi-family property will be developed in two phases.

- Phase 1 will include the South Tower and consist of 304 multi-family units including 46 MPDUs, an underground parking garage, the curvilinear driveway and sidewalks from Pooks Hill Road, the paved central plaza area including a water feature, bio-retention areas, patio and seating areas along building's front on Pooks Hill Road, and landscaped gardens.
- Phase 2 will include the North Tower and consist of the 327 units including the 49 MPDUs, underground parking garage, new access via stairs from Pooks Hill Road, the seating and patio along the building's front facing the main driveway, the remaining bio-retention areas and landscaped gardens.

Open Space/Green Area

There is no open space requirement for this project per Section 59.7.7.1.5 b of the Zoning Ordinance. However, this provision of the Zoning Ordinance requires the Applicant to provide green area in the amount of 45% of the net lot area. The Applicant is providing green space on the entire 19.38- acre property in the amount of 426,888

square feet or 55% which satisfies this requirement. The green area will consist of both passive and active recreational areas.



Figure 7: Proposed Green Area for Entire Site

Streetscape

This project will upgrade the existing sidewalks along Pooks Hill Road on the Multi-family unit with new street trees. The streetscape along the Property's frontage will interface with this roadway by adding new canopy trees, a variety of shrubs and perennials to create a visually inviting and safe space for residents to walk and connect to the surrounding community.

Circulation

Pedestrian access is provided from existing sidewalks along Pooks Hill Road and from a new sidewalk adjacent to the vehicular driveway which leads up to the central plaza area. Two new sets of stairs leading from the existing sidewalks along Pooks Hill Road will connect pedestrians to patio/ seating areas in front of each tower. For the South Tower, new stairs immediately west of the new curvilinear driveway will also connect foot traffic to a terrace and seating in front of this building. For the North Tower, new stairs leading from the existing sidewalk at the northern edge of the Property will connect pedestrians to a terrace/seating area along the front of the building.



Figure 8: New stairs from Pooks Hill Road leading to North Tower.

A private path leading from the existing sidewalk on Pooks Hill Road adjacent to the South Tower’s service and loading area connects to looped walking path in the rear of the Property. A card controlled gate at the path’s entrance restricts its use to residents from each tower.

Residential vehicular access to both buildings is from the main driveway on Pooks Hill Road that aligns with driveway entrance to the multi-family development across and south of Pooks Hill Road. The curvilinear driveway leads up an incline that terminates into a central plaza area shared by both buildings. The driveway then forks into two directions. One driveway crosses in front of the South Tower’s rear entrance and leads to the ramp of the building’s underground parking garage. From the central plaza, the other driveway curves northward and past the front of the North Tower and leads down a ramp into the building’s underground parking garage.

Each building will have its own vehicular service drive from Pooks Hill Road for deliveries. The North Tower service drive is located at the northern property line abutting the Hotel Unit. The service entrance for the South Tower is located past the curvilinear main driveway at the southwestern edge of the building.

SECTION 5: SKETCH PLAN AMENDMENT

Project Analysis

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on: building densities; massing; heights and anticipated uses; the locations of open and public use spaces; the general circulation patterns for all modes of transportation; an estimated range of

peak hour trips; and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Site Plan review.

The Planning Board approved Sketch Plan Application No. 320150060 under the 2014 Zoning Ordinance. The Sketch Plan Amendment includes the following change:

- a. Amend the public benefits schedule to eliminate the minimum parking under the Connectivity and Mobility category.

Project Findings

The Sketch Plan Amendment Application includes public benefits that address general incentives and density considerations required by Section 59-4.7.1.B. Table 1 shows revisions to the public benefits calculations based on the elimination of public benefits for minimum parking. With the elimination of this category, the Sketch Plan Amendment Application continues to meet and exceed the 100 points necessary for public benefits under the optional method of development for the CR Zone.

Table 1 Sketch Plan Amendment Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
59-4.7.3B: Transit Proximity	20	20	20
59-4.7.3D: Diversity of Uses and Activities			
Affordable Housing (MPDUs)	No limit	35	35
59-4.7.3E: Quality of Building and Site Design			
Structured Parking	20	19.7	19.7
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
59-59-4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations	30	8.3	8.3
Vegetated Wall	10	5	5
Tree Canopy	15	7.5	7.5
Vegetated Area	10	5	5
Vegetated Roof	15	7.5	7.5
Cool Roof	10	5	5
TOTAL		128.0	128.0

All of the Public Benefit Points cited in Table 1 are discussed more fully in the subsequent paragraphs and pertain to the proposed multi-family residential development only. No public benefit points were proposed for the Hotel Unit.

Transit Proximity

The Property is located within one mile of the Grosvenor Metrorail Station. At this time Staff supports the Applicant’s request for 20 points based on the transit proximity criteria contained in Section 59-4.7.3 of the Zoning Ordinance. At the time of Detailed Site Plan, the Applicant will need to submit a revised final and detailed transit proximity map showing the Grosvenor Metrorail station and the Subject Property. All distances for transit proximity are measured from the nearest transit station entrance. All calculations for distance need to be included on the final transit proximity map.

Diversity of Uses and Activities

Affordable Housing: The Applicant requests 35 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 650 multi-family units). The Applicant's is providing 95 MPDUs which yields 35 points. Final number of MPDU units to be determined at Site Plan. Staff supports the Applicant's request.

Quality of Building and Site Design

Structured Parking: The Applicant requests 19.7 points for structured parking. The Application proposes two below-ground parking garages and 10 surface parking spaces. The final parking counts will be determined at Site Plan. Staff supports the 19.7 points for this benefit.

Exceptional Design: The design and placement of the two proposed multi-family buildings seeks to minimize impacts to the site's topography and to attain visual compatibility with the surrounding residential communities. The current site design does not maximize the connection between the buildings and the larger public realm. However, while Staff supports the Applicant's requested 5 points at this time, at Site Plan the Applicant will need to further develop this relationship in order to achieve the requested points.

Architectural Elevations: At the time of Site Plan, the Applicant must further develop the design to break-up the massing of the building facades. However, while staff supports the Applicant's requested 10 points at this time, at Site Plan, the Applicant will need to further develop these design elements in order to achieve the requested points.

Protection and Enhancement of the Natural Environment

BLTs: Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). BLT's equals 31, 500 square feet. The difference between the Application's proposed GFA and standard Method GFA times the incentive density equals 29,038 square feet or 0.92 or 8.3 points. The Applicant is requesting 8.3 points for the purchase of BLT's and Staff supports this request.

Vegetated Wall: For the multi-family unit, garage and retaining walls visible from a public street will be at least 30% covered in vegetation. Staff supports the Applicant's request of 5 points.

Tree canopy: This Project will provide and retain a tree canopy that meets the coverage requirements set forth in Section 59.4.7.3.F of the Zoning Ordinance for protecting tree canopy coverage with at least 15% years of growth. Staff supports the requested 7.5 points for this benefit.

Vegetated Area: The Project will provide planting areas covering at least 5,000 square feet in a minimum of 12" soil. The Applicant is requesting 5 points for this vegetated area. Staff supports this request.

Vegetated Roof: The Project proposes the installation of vegetated roofs on each proposed residential building. The vegetated roof will cover at least 33% of each roof and excluding the area for mechanical equipment with adequate soil depth in excess of 2 inches. Staff supports the Applicant's request of 7.5 points.

Cool Roof: The Multi-Family Unit proposes to provide a cool roof on each proposed residential building with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12. The Applicant has requested 5 points in this public benefit

category. The final design will be determined at the time of Site Plan. Staff supports 5 points for this benefit.

SECTION 5: SITE PLAN AMENDMENT

Project Analysis

This Site Plan Amendment Application encompasses the 19.38-acre property but this Project proposes development on the 6.0-acre Multi-family unit. This Project proposes to construct two high-rise multi-family buildings with up to 631 units including 15% MPDUs on site. The Hotel component of the Sketch Plan Amendment is not part of the subject Site Plan Amendment Application.

ANALYSIS AND FINDINGS

Master Plan Conformance

The Master Plan recommends identifying ways to achieve a greater housing supply and expand the supply of affordable housing in the area. It also seeks to shift travel modes away from automobile use to transit and other transportation modes and to improve access and safety for pedestrians and bicyclists. The Plan emphasizes the need to identify conservation areas that should be preserved, protected or enhanced and supports corrective measures to improve stream quality.

This Project will replace underutilized surface parking lots along Pooks Hill Road with two multi-family buildings that create new market rate and MPDU housing units in the area. These two residential buildings create a new presence on the roadway that will activate the site. The provision of shuttle service to Grosvenor Metrorail station offers future residents an alternative to automobile use for commuting or other weekday trips. Shared bike lanes on Pooks Hill Road encourage another transportation mode for residents. The clearly marked bike lanes increase a bicyclist's safety when traveling through the surrounding area. The improved streetscape and lighting on Pooks Hill Road adds to the safety and comfort of pedestrians traveling in the area.

The placement of conservation easements will preserve and protect the Property's high priority forest. Moreover, removing the tennis courts on the Hotel Unit and replanting that area will greatly improve the water quality of the existing on-site stream. The Master Plan reconfirmed the higher density zoning and land use patterns for the Subject Property which are in keeping with the Community Residential Zone of CR1.0 C 1.0 and R 0.75 H 160 currently in place. The Application substantially conforms to the general recommendations of *Bethesda-Chevy Chase Master Plan*.

Transportation

Access and Circulation

The Project is accessed from the surrounding region by Rockville Pike (MD 355) via Pooks Hill Road, a public arterial roadway. All peak-hour traffic to the site must come from Rockville Pike due to peak-hour vehicular access restrictions to/from Old Georgetown Road (MD 187). These access restrictions are located at the intersections of Pooks Hill Road/ Linden Avenue and Beech Avenue/ Linden Avenue, respectively, and are in effect between the hours of 7:00 AM – 9:00 and 4:00 PM – 6:00 PM Monday through Friday. The Pooks Hill Road /Linden Avenue intersection is approximately 515 feet west of the Multi-family Property.

Vehicular access to each multi-family building parking garage is from the new main driveway on Pooks Hill Road that directly aligns with the monumental entrance of the Pooks Hill Towers development opposite the Site. Upon entering the Site, vehicles traverse a topographical rise to a central plaza area between the two buildings. From the plaza area, vehicles will have the option of picking-up/ dropping-off passengers or continuing directly

into an underground parking facility internal each residential building. Loading for each building is proposed at the side of each building, with each loading area accessed directly from Pooks Hill Road by its own driveway.

Pedestrian access to the site will be maintained from the existing sidewalks on Pooks Hills Road. Bicycle access will also be provided from this roadway. Internal pedestrian and bicycle circulation will be accommodated by the frontage sidewalk and new path through the proposed green area in the rear of the site. Bicycle accommodation will be provided along Pooks Hill Road as shared lanes.

Transit and Connectivity

Transit service to the immediate area includes a bus stop for Montgomery County Ride On Route 30 (NIH Medical Center – Bethesda Metrorail Station) in front of the site and Ride On Route 46 (Montgomery College/ Rockville – NIH Medical Center) at the intersection of Pooks Hill Road/ Rockville Pike. The Grosvenor Metrorail Station is approximately 1.4 miles from the proposed main driveway on Pooks Hill Road via MD 355. However, there are no sidewalks on MD 355 and the roadway is not suited for pedestrian travel. The most direct pedestrian route to the Metrorail station is approximately 2.2 miles via Fleming Avenue and Grosvenor Lane, making it unlikely that future residents will walk directly to the Metrorail station.

To improve the Site’s connection to the Metrorail system, the Applicant has agreed to enter into a Transit Enhancement Agreement (TEA) with the Planning Department and Department of Transportation. Among other elements, the TEA will define the terms under which the Applicant and/or its successors will operate a private shuttle to the Metrorail station. The proposed private shuttle will operate at 30-minute headways; offset 15-minutes from the public transit service, to provide the Pooks Hill area with transit service to the Metrorail every 15-minutes. The Applicant is not opposed to permitting non-resident use of the shuttle, if the shuttle service has the capacity necessary to accommodate additional riders without diminishing the quality of the private shuttle to residents of the development. Staff supports this approach since the primary intent of the shuttle is to encourage new trips made by transit. Specific details regarding shuttle operations will be set forth in the TEA.

Adequate Public Facilities (APF)

An Adequate Public Facilities finding is needed for the new development proposed by the Site Plan Amendment since a preliminary plan is not required for the underlying recorded lot. A traffic study, dated January 29, 2016, was submitted for the Site Plan Application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. A site trip generation summary for the proposed development, provided in Table 3, shows that the project will generate 194 new peak-hour trips during the weekday morning peak period and 227 new peak-hour trips during the weekday evening peak period.

Local Area Transportation Review (LATR)

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 4, shows that the total, or buildout, condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the subject application will satisfy the LATR requirements of the APF test.

Transportation Policy Area Review (TPAR)

The development is within the Bethesda Chevy Chase Policy Area, and is determined to be “inadequate” under both the Transportation Policy Area Review (TPAR) transit test and roadway test of the 2012-2016 Subdivision Staging Policy. As a result, the Applicant must satisfy the Adequate Public Facilities Transportation Policy Area Review (TPAR) test by making a TPAR mitigation payment for transit and roadway inadequacy equal to 50% of the applicable development transportation impact tax to the Montgomery County Department of Permitting Services. The timing and amount of the payment will be in accordance with Chapter 52 of the County Code.

**TABLE 2
SUMMARY OF SITE TRIP GENERATION
POOKS HILL MULTI-FAMILY PROJECT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed 631 High Rise Dwelling Units	49	145	194	138	89	227

Source: Kimley Horn traffic study dated January 29, 2016.

**TABLE 3
SUMMARY OF CAPACITY CALCULATIONS
POOKS HILL MULTI-FAMILY PROJECT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Old Georgetown Rd/ Beech Avenue ¹	1356	1261	1603	1507	1603	1507
Pooks Hill Rd/ Site Entrance	430	387	430	387	575	543
Pooks Hill Rd/ Rockville Pike	1261	1216	1533	1542	1598	1568

¹Site generated trips were not distributed to this intersection due to existing turn restrictions. Although the intersection is anticipated to exceed the policy area congestion standard in the future that condition is not a result of impacts created by the subject development.

Source: Kimley Horn traffic study dated January 29, 2016.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Multi-family Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Multi-family Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property. The Subject Property is located in the Walter Johnson School Cluster. The Application is required to make a School Facilities Payment because Property is located in the Walter Johnson School Cluster which is over the 113.9% utilization rate at the high school level (per Section 52-94 and 52-89(c)(5) of the County Code). Electrical, telecommunications, and gas services are also available to serve the Subject Property.

Environment

Natural Resources Inventory/Forest Stand Delineation and Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) # [420152120](#) for the Property was approved on September 17, 2014. The Property contains numerous environmentally sensitive features such as steep slopes, highly erodible soils, high priority forest of approximately 5 acres, a stream and associated stream valley buffer (SVB) and a considerable number of specimen trees which include some that are 75 percent or more of the diameter of the current State champion tree for the species and other trees that are larger than the current county champion. There are no known occurrences of rare threatened or endangered species related to the property.

The site is located with the Rock Creek watershed; a Use I watershed¹ and a stream tributary flows through the entire 19.38- acre subject property. The entire 19.38-acre is subject to review under the FCP requirements. The stream enters the property near the northwest edge of the site where it flows within 30 feet of the dilapidated tennis courts on the Hotel Unit. The stream then enters an underground culvert near the west side of the Marriott building. A portion of the 19.38-acre site has surface parking lots and associated drive aisles located within the SVB. The tributary reemerges on the south side of Pooks Hill Road. A small portion of the downstream SVB extends back into the Hotel Unit.

Although the NRI/FSD shows 4.94 acres of forest, the inventory did not reflect a 0.29-acre encroachment consisting of a garden plot and lawn area connected to the neighboring high-rise residential buildings to the north. The garden plot and lawn were identified as onsite forest on the NRI/FSD and the lawn area was labeled as proposed afforestation Area 6 on the submitted FCP. The oversight occurred because the long and narrow encroachment was presumed to correspond with the true property line and was not initially recognized as an encroachment. The encroachments became apparent during review of the FCP when a more accurate survey was provided. Rather than amending the NRI/FSD, the Applicant and Staff agreed that the FCP would note the discrepancy and use the corrected forest amount.

Forest Conservation

The site contains substantial areas of environmentally sensitive resources and high priority settings associated with stream valley buffers. Per the priorities of the Forest Conservation Law and *Environmental Guidelines* and general recommendations of the Master Plan on protection and enhancement of environmentally sensitive features, Staff requested that the Applicant revise the FCP plans to satisfy the forest conservation requirements through onsite retention and reforestation only rather than through the use of landscape credit or offsite mitigation.

Currently, the submitted FCP plans show 1.05 acres of forest clearing, 3.56 acres of forest retention, and 0.34 acres of onsite reforestation. Contrary to Staff recommendation, the FCP also proposes that part of reforestation requirements be met offsite. The submitted FCP is further problematic as the existing forest amount relative to the encroachments was never fully rectified. To date, the Applicant has not satisfactorily addressed a number of plan review comments made by Staff related to forest conservation. Thus, the forest amounts shown on the submitted forest conservation worksheet are not correct. The correct amount of forest is 4.53 acres, including the applicable deductions, which increases the reforestation requirements to 0.56 acres rather than 0.42 acres as shown on the submitted FCP.

Additionally, the submitted FCP plans only provide 0.34 acres of reforestation credit and is deficient by 0.22 acres based on a corrected worksheet prepared by Staff. The proposed offsite credits cannot be justified and the forest conservation requirements must be met onsite by Category I easements due to the high priority forest setting and the sizable areas of unforested SVB, particularly in the area associated with the dilapidated tennis courts on the Hotel Unit.

Demolishing the dilapidated tennis courts and replacing this area with reforestation will allow the project to meet all forest conservation requirements onsite and provide environmental enhancements which also meet the goals of the Forest Conservation Law, *Environmental Guidelines* and Master Plan recommendations for

¹ Use I:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.

protection and enhancement of environmentally sensitive features. The possibility of demolishing the tennis courts to meet this requirement was presented to the Applicant in the earliest stages of plan review at both the pre-application meeting and also at the Development Review Committee (DRC) meeting with recommendations issued on May 26, 2015 for the associated Sketch Plan [320150060](#).

At the time of issuance for the first residential building permit, the FCP shows that the proposed environmental enhancements, reforestation and the control of invasive species will occur. However, the conservation easements on the Hotel Unit would not be formally recorded until the site is subject to a future site plan amendment or other activity triggering a forest conservation review. The forest conservation areas as proposed would be protected in the interim by a split-rail fence or similar type fence, in the field and also by enforcement of the subject Site Plan and FFCP showing the particular areas as protected.

The postponement of the easement recordation was requested by the Applicant and agreed to by Staff. The Applicant’s rationale is that future redevelopment of the Hotel Unit has not been evaluated and may require revisions to the proposed easement footprints. Any future development or redevelopment to the Hotel Unit will require a Site Plan Amendment and Planning Board action and recordation of the easement will need to be undertaken before any development occurs on the site.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. This project triggers variance requirements because of the proposed removal/impacts to trees which measure 30 inches DBH or greater and also trees which are 75 percent or more of the diameter of the current State champion tree of the affected species. The Applicant submitted a variance request to remove four subject trees and to impact, but retain one subject tree, thus, affecting a total of five trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. Attachment B.

Table 4: VARIANCE TREES PROPOSED FOR REMOVAL

TREE No.	TREE TYPE	DBH (inches)	Percent of CRZ Impacted by LOD	CONDITION/ STATUS
1	Tulip Tree	33"	100%	Good / REMOVE
4A	Mockernut Hickory	26"	100%	Fair / REMOVE
4B	Mockernut Hickory	26"	100%	Fair / REMOVE
7*	Tulip Tree	30"	40.63%	Fair / REMOVE

* Partial denial is recommended by the County arborist and Staff. Rather than a *definitive* removal the Applicant shall make good faith efforts to preserve the tree (*removal with intent to save*).

Table 5: VARIANCE TREES PROPOSED FOR RETENTION

TREE No.	TREE TYPE	DBH (inches)	Percent of CRZ Impacted by LOD	CONDITION/ STATUS
31	Black Oak	40"	4.35%	Poor/ SAVE

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

The developable area for this Project contains a number of subject trees, including one tree associated with the existing surface parking lots on the Property. Thus, any significant level of redevelopment would necessitate impacts to variance trees. Staff reviewed this Application and based on the existing circumstances and conditions on the Property, Staff agrees that there is an unwarranted hardship.

Variance Findings -Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The buildable area for of the site is interspersed with subject trees and their associated critical root zones and any significant redevelopment of the property would require impacts and/or removals. The tree impacts and removals associated with the site are within the buildable area established by the site constraints of building restriction lines and proposed conservation easements. Therefore, the variance request would be granted to any applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on the proposed development allowed under the existing zoning and the need to achieve adequate stormwater management. With the recommended conditions of approval, the variance can be granted under this condition if the impacts are avoided or minimized, as noted in the conditions, and that any necessary mitigation is provided.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject Property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Department of Permitting Services (DPS) staff approved the stormwater management (SWM) concept (#280376) for the project on February 5, 2016. The SWM concept proposes to meet required stormwater management goals with the use of green roofs and micro-biofilters. DPS review and ultimate approval of the sediment and erosion control and storm water management plans will help ensure that appropriate standards are met.

As conditioned, demolishing the existing dilapidated tennis courts near the stream and replacing this area with reforestation, will enhance significantly the stream valley corridor thereby improving the associated water quality. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

County Arborist Recommendations

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The Applicant's request was forwarded to the County Arborist via Eplans on July 20, 2016. The County Arborist issued a response to the variance request on August 11, 2016 and recommended the variance be **partially denied** relative to the definitive complete removal proposed for Tree #7. Attachment C.

The County Arborist found that under Section 22A-21 (b) (1) *the Applicant failed to describe the special conditions peculiar to this property which would cause an unwarranted hardship or how the landowner would be deprived of rights commonly enjoyed by others in similar situations.* Additionally, the Applicant did not provide alternative designs or reasons why alternatives were not explored to retain Tree #7. Therefore, the County Arborist recommends **partial denial** of the requested variance and recommends that the Applicant: preserve Tree #7; reduce impacts to Tree #7; and provide protection measures for Tree #7.

Mitigation for Trees Subject to the Variance Provisions

There are 4 subject trees proposed for removal in association with this Project, including the potential removal of Tree #7. Planting mitigation for all removals should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1 inch DBH for every 4 inches DBH removed, using trees that are a minimum of 3-inch caliper. This means that for the 115 diameter inches of tree to be removed, or potentially removed, the Applicant must provide mitigation of at least 28.75 inches of caliper replacements. The mitigation requirements will be more than satisfied by the proposed planting of eight 4" caliper trees, totaling 32 caliper inches.

Staff Recommendation on Variance

Based on the above findings and the County Arborist's recommendations, Staff recommends the Board **partially deny** the Applicant's request for a variance from Forest Conservation Law to *definitively* remove Tree #7 and instead approve a variance for *removal of with intent to save* Tree #7; and to approve the other requested removals/impacts associated with Trees #1, 4A, 4B and 31.

Noise

The Project proposes to construct two residential buildings near several relevant noise sources: a major highway interchange (Interstate 495 and Interstate 270), the above-ground Metrorail Redline and Pooks Hill Road with average daily traffic of 5,000 or more vehicles. Based on these existing factors, the Application is subject to noise regulations associated with residential development.

A noise analysis dated January 12, 2016 was prepared by Phoenix Noise & Vibration, LLC. The study concluded that excessive existing and future projected transportation noise levels which measure 65 dBA Ldn or above, do affect the Subject Property. However, these noise levels are only moderate and impacts to the residential units can be readily mitigated to appropriate levels of less than 45 dBA Ldn by suitable building shell construction such as the use of specialized windows and modifications to the exterior walls.

Additionally, the analysis also showed that the amenity space areas are also affected by moderate noise impacts. Providing noise mitigation for the terrace areas of each building along Pooks Hill Road would likely

involve berms, walls or other types of barriers. Furthermore, mitigation for the rooftop open spaces would involve tall barriers or other considerable changes. In a detailed letter dated July 19, 2016, the Applicant requested that the terrace areas/open space not be subject to the noise mitigation requirements because necessary design changes would adversely affect the design intent of the spaces and that the unmitigated noise impacts are only minor. Staff supports the Applicant's request but recommends conditions of approval to address the interior noise mitigation issue. Attachment E.

Stormwater Management

The Stormwater Concept Plan (#280376) was approved by the DPS on February 5, 2016. The plan proposes to meet stormwater management requirements through the use of a green roofs and micro-biofilters. Attachment D.

SECTION 7: SITE PLAN 81982098C

FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320150060 and 32015006A.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
 - i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Project consists of approximately 6.0 acres, zoned CR-1.0 C-1.0 R-0.75 H-160. The following table, Table 6 shows the Application's conformance to the development standards for the zone.

Table 6 Site Plan Amendment 819820098C Project Data Table

Section 59-4	Development Standard	Permitted/Required	Proposed
	Net Tract Area (sf)	n/a	780,551 sf
	Dedications		63,797 sf
	Gross Tract Area (sf)	n/a	844,348 sf
4.5.4.B.2.b	Maximum Density (including exempt MPDU square footage) Non-residential (C) Residential (R)	1.0 FAR (844,348 sf) 1.0 FAR (844,348 sf) 0.75 FAR (633,261 sf)	1.08 FAR (905,250 sf) ¹ 0.31 FAR (259,593 sf) ² 0.77 FAR (645,657 sf) ³
	Total Density Non-residential (C) Residential (R)	1.0 (844,348 sf) 1.0 FAR (844,348 sf) 0.75 FAR (633,261)	0.96 FAR (905,250 sf) ⁴ 0.31 FAR (259,593 sf) 0.65 (548,808 sf) ⁵
	Dwelling Units	n/a	Up to 631
	MPDUs (% / units)	12.5% /79 units	15% /95 units
4.5.4.B.2.b	Building Height (feet)	160	160
7.7.1.B.5.b	Green Area (%Net Lot Area)	45%	426,888 (55%)
4.5.4.B.3	Min. Building Setbacks From Right-of-way	0' 0'	0' 0'
6.2	Parking Spaces	583 - 804	
	Residential (minimum-maximum)	583- 804	804
	Loading, Accessible Spaces, Motorcycle & Bicycle		
	Loading	2	2
	ADA spaces	18 ⁶	18 ⁶
	Car Share Spaces	8	9
	Electric Vehicle Charging Station	9	9
	Motorcycle/Scooter		
Bicycle-Public	5	12	
Bicycle-Private	200	200	

¹ This square footage includes both the market rate units at 548,808 square feet and 96,849 square feet for MPDUs, for a total square footage of 645,657 square feet plus the non-residential (hotel) square footage of 259,593 sf.

² The non-residential use applies to the existing hotel.

³ This square footage includes market rates units 548,808 sf + MPDUs 96,849 = 645,657 sf, which exceeds both the allowed square footage and the residential FAR. Section 4.7.3.D.c.iii of the Zoning Ordinance states, *for a project providing a minimum of 15% MPDUs, the gross floor area of all MPDUs provided is exempt from the calculation of FAR.* The square footage for the MPDUs will be exempted from the residential and total FAR for this project.

⁴ The total amount of square footage requested is shown; however, the FAR for requested MPDUs is exempted from the total FAR calculation.

⁵ Square footage for the market rate residential units is 548,808 sf/844,348 sf = 0.65 FAR,

⁶ ADA spaces include 3 vans spaces

Section 4.5.4.B.4 - Form Standards

The Site Plan Amendment conforms to the intent of the form standards, including transparency, blank walls and active entrances. Design of the two buildings incorporate significant glass features throughout the Project which achieves transparency. Activating features at ground level include a central plaza with its outdoor seating areas, the residential entrances and terraces fronting on Pooks Hill Road and a new stairwell leading from this roadway which provides another activating connection to the North Tower. The North Tower's service and loading area will contain a vegetated wall eliminating any blank walls visible from the road. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and included in the Certified Site Plan, as determined by Staff.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan Amendment proposes the following public benefits to satisfy the requirements: Transit Proximity; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment. Since this project will be constructed in two Phases, public benefit points are shown by Phase in Table 7.

Transit Proximity

Property is located within one mile from the Grosvenor Metro Station as measured on a transit proximity map. However, this station is not easily or safely reachable by foot given the lack of direct connecting sidewalks from the site to the Metrorail station. To achieve the Applicant's requested 20 public benefit points, a private shuttle service for residents is being implemented. The shuttle will be operated and maintained by the Applicant according to the executed TEA. This shuttle will operate Monday through Friday during morning and evening peak hours. Staff supports the request of 20 public benefits points for transit proximity.

Diversity of Uses and Activities

Affordable Housing: Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (multi-family units). The Applicant is providing 95 MPDUs; 46 units and 49 units in Phases 1 and 2, respectively. Staff supports the Applicant's request.

Quality of Building and Site Design

Structured Parking: The Applicant requests 19.7 points for structured parking to be provided in two below-ground parking garages; one garage under each proposed building. The Applicant revised the Site Plan Amendment to ensure that all parking for both buildings is located in the underground garages and there is no long-term surface parking in the central plaza area. The layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. Staff supports 19.7 points for this benefit.

Exceptional Design: This Project has several site design constraints such as varied topography, limited depth due to rocky soils, and preservation of existing trees. The Project meets the following 4 of the required 6 criteria under this category to achieve the requested 5 points.

- *Provide innovative solutions in response to the immediate context.*
The Applicant's refinements to the placement of each building and the curvilinear driveway due to the varied topography and limited soil depth provided an innovative solution to the site's development constraints. Additional innovative solutions to site constraints were achieved through the preservation of existing vegetation and trees and the integration of these natural features into the overall Project's design.
- *Creating a sense of place and serves as a landmark*
The iconic building design and its placement on the site will serve as a landmark for the Pooks Hill community. Internal to the Property, the central plaza with its seating area, substantial landscaping, including a water feature creates an inviting area and creates a defined a sense of place for residents. From the central plaza, a series of stairs have been incorporated into the two-tiered retaining wall system that will frame this plaza and connect it to a looped walking path at the rear of the Property further creating a sense of place on the Property.
- *Enhancing the public realm in a distinct and original manner*
The refinement of each building's base relates to the public realm along Pooks Hill Road. Street-oriented entrances have been added to both buildings improving pedestrian access from this roadway. These new access points and the terrace seating along the front of each building activates the street. The new secondary access (new stairs) to the North Tower entrance integrates the site's natural features with the proposed landscaping to further activate this edge of the building with new pedestrians. Large-size translucent glass openings have been added near this new secondary entrance to provide architectural appeal to pedestrians along Pooks Hill Road.
- *Designing compact infill development so living, working and shopping environments are more pleasurable and desirable on a problematic site;*
The overall design of this compact infill development turns an underutilized and problematic site into a desirable living and working environment for future residents. The materials and forms introduced in the construction of each tower are unique to the immediate vicinity further signaling this development as a pleasant and desirable residential environment for future residents and visitors.

Staff supports the Applicant's request of 5 points in this public benefit category.

Architectural Elevations: The modulation of the massing for each buildings facades and upper floor has reduced its bulk. Each building facade has been modulated by recessing the living spaces thereby creating semi-recessed balconies which adds articulation and depth. The elimination of projected balconies from the top two floors of each building has created a more pronounced building "top". To further break the flat roof profile, a raised tower structure has been added to the center which announces the buildings' entrances and adds a sculptural characteristic that accentuates views from the west by giving each building a distinct finish. The end façades are also defined by wrap around balconies at the corners. The introduction of more glass to the top of each building and the end facades which wrap the corner of each building create a more transparent and articulated building design. This enhanced articulation provides visual interest at the base of each building and improves the pedestrian experience along Pooks Hill Road and with the surrounding community. The elevations are binding and will be included in the Certified Site Plan thus, Staff supports the Applicant's request of ten public benefit points in this category.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLTs): A maximum of 30 points can be granted for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF). One BLT must be purchased for each 31,500 square feet of gross floor area. Based on this requirement the benefit points are calculated as follows:

Proposed gross floor area	808,401 sf
Standard method allowed GFA	<u>- 422,174 sf</u>
Incentive Density	386,227 sf X 0.075 = 28,967 sf

$$28,967 \text{ sf} / 31,500 \text{ sf} = 0.92 \times 9 = 8.3 \text{ points}$$

The Applicant proposes the purchase of BLT easements for 8.3 public benefit points. Staff supports this request.

Vegetated Wall: The blank wall along the service driveway for the North Tower is visible from Pooks Hill Road and will be covered with vegetation that comprises at least 30% of the wall surface. Staff supports the Applicant’s request for 5 public benefits points in this category.

Tree Canopy: This Project will protect the existing tree canopy with at least 15 years of growth and will serve to provide shade, carbon sequestration and heat island mitigation on the site. The Applicant is requesting 7.5 public benefit points. Staff supports the Applicant’s request.

Vegetated Area: Under this Project, on-site plantings will be installed with a minimum of 12 inches of soil and covering at least 5,000 square feet. Staff supports the requested 5 points for this public benefits category.

Vegetated Roof: Each tower will have a vegetated roof with a soil depth of at least 4 inches and covering at least 33% of each rooftop, excluding the area required for mechanical equipment. The vegetated roof is shown in the architectural plans and will be included in the Certified Site Plan. The Applicant requests 7.5 public benefit points for the vegetated roof. Staff supports this request.

Cool Roof: The Project includes a cool roof for each building with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, thus achieving 5 points in this public benefit category. At the time of Certified Site Plan, the Applicant will need to show the minimum SRI of 75 for each buildings’ roof with a slope at or below the ration of 2:12. Staff supports 5 points for this benefit.

Table 7 Site Plan Amendment Phased Public Benefits Calculations				
Public Benefit Incentive	Proposed by Site Plan Amendment	Recommended by Site Plan Amendment	Phase 1 South Tower	Phase 2 North Tower
Transit Proximity	20.0	20.0	9.64	10.36
Diversity of Uses and Activities				
Affordable Housing	35.0	35.0	16.86	18.14
Quality of Building and Design				
Below Grade Structured Parking	19.7	19.7	9.49	10.21
Architectural Elevations	10.0	10.0	4.82	5.18
Exceptional Design	5.0	5.0	2.41	2.59
Protection and Enhancement of the Natural Environment				
Building Lot Termination	8.3	8.3	4.00	4.03
Vegetated Wall	5.0	5.0	2.41	2.50
Tree Canopy	7.5	7.5	3.61	3.89
Vegetated Area	5.0	5.0	2.41	2.59
Vegetated Roof	7.5	7.5	3.61	3.89
Cool Roof	5.0	5.0	2.41	2.59
Total Points (per phase)			61.67 48%	65.97 52%
TOTAL POINTS	128.0	128.0	128.0 (100%)	

iii. *Division 6.1. Site Access*

The curvilinear driveway from Pooks Hill Road serves as the main vehicular entrance for residents to both buildings. Pedestrians and bicyclists can also access both buildings from sidewalks adjacent to this driveway which lead to the central plaza area. Each building will have a separate driveway for loading and deliveries located off Pooks Hill Road. These service driveways ensure that conflicts among pedestrians, bicyclists and service vehicles are minimized. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, and loading.

iv. *Division 6.2. Parking, Queuing, and Loading*

Adequate parking for each building will be provided in a two below-grade facilities. Each building will also have a separate service driveway from Pooks Hill Road for truck traffic to the Property. These service driveways will ensure that deliveries and loading activities occur away from the residential vehicular and bicycle traffic and reduce potential conflicts for all traffic to the Property.

v. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and

visitors. The Project will transform the existing streetscape along Pooks Hill Road with new street trees and street lighting. The Project also includes landscaping and lighting in the central plaza area and at the entrances and terrace areas to each building. This landscaping will create an attractive and inviting outdoor environment for use by residents and visitors.

As shown in the Table 6, the Site Plan Amendment meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method of development for public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan (No.#280376) was approved by the DPS on February 5, 2016. This plan proposes to meet stormwater management requirements through the use of a green roofs and micro-biofilters.

ii. Chapter 22A, Forest Conservation.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law. A Forest Conservation Plan was submitted. However, prior to approval of the Certified Site Plan, revisions to the FCP are needed which address the onsite forest conservation requirements and removal of the tennis courts on the Marriott parcel.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project provides adequate, safe, and efficient parking and circulation patterns. The main driveway located off of Pooks Hill Road serves only residential vehicular traffic into the Property. This driveway leads to each buildings' underground parking garage. Each garage will provide adequate off-street vehicular and bicycle parking. Each building provides a separate driveway for service and delivery traffic separating this function from residential traffic and thereby creating safer on-site vehicular circulation patterns for residents and visitors.

Pedestrian connections into the site have been enhanced with the provision of upgraded sidewalks and landscaping along Pooks Hill Road. New onsite sidewalks and paths offer residents the ability to move comfortably and safely throughout the entire property.

The Project provides safe and well-integrated buildings, open space, and site amenities. Building heights of 160 feet are in keeping with the taller residential buildings along the north site of Pooks Hill Road. Placement and setback of each proposed building coupled with substantial landscaping along the site's frontage provides an appropriate transition to the mid-rise multi-family structures south of and across Pooks Hill Road. The massing of each buildings' façades and upper floors has been refined to reduce its bulk.

The design of the central plaza clearly delineates the limits of vehicular access and the pedestrian and seating areas through the use of significant landscaping, a water feature and outdoor furniture. This separation further provides safe and well-integrated onsite circulation patterns. The green area with the

looped walking path with its benches is well integrated into the site and provides residents with a quiet retreat in natural setting. Other onsite amenities for residents include rooftop pools, sun decks, catering kitchens, locker rooms and changing areas, concierge services and business centers.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan Amendment substantially conforms with the recommendations of the Master Plan. These recommendations focus on expanding the Plan area's housing supply and increasing the number of MPDUs, encouraging transportation modes other than the automobile and identifying and preserving conservation areas. The Site Plan Amendment proposes two high-rise residential buildings with up to 631 multi-family residential units including 15% on-site MPDUs. A shuttle service from the Property to the Grosvenor Metrorail Station and bike lanes along Pooks Hill Road will offer residents with transportation options other than the private automobile. The preservation of onsite conservation areas will protect the existing environmental sensitive features of high priority forest and stream valley buffers. Therefore, the Site Plan Amendment substantially conforms with the previously stated recommendations of the Master Plan.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

Presently, the site is served by the following adequate public facilities: police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. As conditioned, school adequacy will be met by the Applicant through the school facility payment. The road and transit inadequacy will be addressed by TPAR Mitigation Payment.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing and proposed adjacent development. The Project's design and scale is compatible the abutting residential buildings. Placement of the two towers on the site as well as the provision of substantial onsite landscaping provides a transition to the mid-rise residential buildings across Pooks Hill Road and south of the Property.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan Amendment does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. On November 15, 2015, the Applicant held a pre-submittal public meeting with the community. Staff has received correspondence in opposition to this Project. Community opposition focused on increases in traffic congestion, school enrollment, density, and the inadequacy of sewer, water and electrical connections. Copies of this correspondence is included in Attachment G.

CONCLUSION

The proposed development complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The proposed development is consistent with the goals and recommendations of the *1990 Bethesda-Chevy Chase Master* Therefore, Staff recommends approval of the Sketch Plan Amendment No. 32015006A, and Site Plan Amendment No. 81982098C with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan 320150060 Adopted Resolution (MCPB No. 15-99)
- B. Applicant's Variance Request
- C. County Arborist Variance Letter
- D. DPS Stormwater Concept Letter
- E. Applicant's Letter on Noise Analysis
- F. Agency Letters
- G. Community Correspondence



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-99
Sketch Plan No. 320150060
Pooks Hill Sketch Plan
Date of Hearing: July 30, 2015

SEP 15 2015

RESOLUTION

WHEREAS, under Section 59.7.1.2 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on May 1, 2015, Pooks Hill JV, LLC ("Applicant"), filed an application for approval of a sketch plan for construction of i) up to 549,755 square feet of residential development, plus 97,000 square feet of residential development for moderately priced dwelling units ("MPDUs"), which per Section 59.4.7.3.D.6.c.iii. does not count against base density, for up to 650 multi-family units, including 15% MPDUs, and ii) up to 294,593 square feet of non-residential uses, including 259,593 square feet of existing hotel uses¹ on 19.38 acres of CR 1.0: C 1.0, R 0.75, H 160 zoned-land, located on Pooks Hill Road, approximately 1,200 feet west of Rockville Pike (MD 355) ("Subject Property") in the Bethesda- Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320150060, Pooks Hill ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 17, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 30, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner

¹ The application included reference to 35,000 square feet of potential future hotel expansion, which was not intended by the Applicant to be reviewed with this Sketch Plan.

Approved as to
Legal Sufficiency:

[Handwritten Signature] 8/10/15

Fani-Gonzalez, seconded by Commissioner Wells-Harley with a vote of 4-0; Commissioners Anderson, Fani-Gonzalez, Presley and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320150060, Pooks Hill, for 809,348 square feet of development to include i) a maximum of 549,755 square feet of multi-family residential uses, plus 97,000 square feet of residential development for MPDUs per Section 59.4.7.3.D.6.c.iii., within two new residential buildings, including up to 650 multi-family residential units including up to 15% MPDUs, and ii) 259,593 square feet of non-residential uses within the existing hotel building, all on one lot, the Subject Property consisting of 19.38 gross acres, subject to the following binding elements and conditions.²

A. Binding Elements. The following site development elements are binding under Section 59.7.3.3.B of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of forest conservation areas;
3. General location and extent of green space and internal open space;
4. General location of all vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum total density of 809,348 square feet, including a maximum of 549,755 square feet of multi-family residential density in the residential buildings (plus 97,000 square feet of residential development for MPDUs per Section 59.4.7.3.D.6.c.iii), including up to 650 multi-family dwelling units, and a maximum of 259,593 square feet of existing commercial density in the hotel building.

2. Height

The development is limited to a maximum height of 160 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I at the time of Site Plan. Total points must equal at least 100 and be chosen from at least three categories

² For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

as required by Section 59.4.5.4.A.2 as modified by Section 59.4.7.3.D.6.a.v. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through location within a mile of the Grosvenor Metrorail Station with enhancements to improve the access relationship between the development and the Station;
- b. Connectivity and Mobility, achieved through minimum parking;
- c. Diversity of Uses and Activities, achieved through affordable housing;
- d. Quality of Building and Site Design, achieved through structured parking, exceptional design and architectural elevations; and
- e. Protection and Enhancement of the Natural Environment achieved through building lot terminations, vegetated wall, tree canopy, vegetated area, and cool roof.

4. Building Lot Terminations (“BLTs”)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

5. Moderately Priced Dwelling Units (“MPDUs”)

The development must provide a minimum of 15 percent MPDUs in accordance with Chapter 25A.

6. Green Area

The Applicant must provide on-site a minimum of 45% of the Net Lot Area (17.92 acres) as Green Area.

7. Design Improvements

At the time of site plan, the Applicant must address the following design elements:

- a. Further develop the relationships between the residential buildings and Pooks Hill Road, focusing on the pedestrian experience;
- b. Enhance the visual interest of the base of the residential buildings and promote pedestrian activity with architectural, landscape, and/or public art elements;
- c. Further refine the residential building elevations to modulate massing of long facades;
- d. Create direct and inviting visual and pedestrian access from Pooks Hill Road to the central plaza to include landscape, hardscape, and/or public art elements;
- e. Create opportunities for pedestrian activities within the landscaped area along Pooks Hill Road;

- f. Provide street level building entrances for each residential building; and
- g. Screen loading and service areas from Pooks Hill Road.
- h. Further develop the central plaza to:
 - i. More clearly delineate the limits of vehicular access and to define pedestrian and seating areas, through the use of bollards, paving, landscaping, lighting and similar methods.
 - ii. Identify opportunities for pedestrian paths to the required Green Area.
- i. All retaining walls should be designed to provide year round visual appeal through use of materials, plantings and/or public art.

8. Future Coordination for Preliminary and Site Plan

In additional to any other requirements of Chapter 59, Zoning Ordinance, the Applicant must address the following when filing the site plan:

- a. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- b. Implementation of transportation improvements and mitigation measures;
- c. Forest conservation requirements;
- d. Noise Analysis; and
- e. Streetscape details.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board finds that, as conditioned herein, the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan meets all applicable findings under § 59.7.3.3.E:

1. *The Sketch Plan meets the applicable objectives, general requirements, and standards of the Zoning Ordinance.*

- a. The Sketch Plan meets the objectives of Section 59.4.5.1. Intent Statement, with regard to a project in the CR zone as follows:
 - i. *"Implement the recommendations of applicable master plans."*

Multi-family Unit

The Master Plan recommends providing new housing opportunities and increasing the supply of affordable housing, expanding mobility choices for residents, improving pedestrian and bicyclists safety and access, and identifying and protecting environmental features. The Project will upgrade the physical environment along Pooks Hill by replacing underutilized

surface parking lots with two residential buildings that increase the amount of housing in the area, including the provision of new MPDUs. Safety and access for pedestrians will be improved through upgraded and improved streetscape and lighting along Pooks Hill Road and new pedestrian paths into the Subject Property. Pooks Hill Road can accommodate shared bikes lanes which will further increase bicyclists' safety when traveling through the surrounding area. The on-site environmental features will be protected through the placement of conservation easements and enhancements to the stream valley buffer at the time of Forest Conservation Plan approval. The Master Plan reconfirms higher density zoning and land use patterns for the Subject Property which is in keeping with the existing CR1.0 C.1.0 and R0.75 H 160 zoning.

Hotel Unit

The Master Plan recommends the existing hotel in this location. Environmental features of the Hotel Unit will be protected as part of the Forest Conservation Plan approval.

The Project conforms to the general objectives and recommendations of Bethesda-Chevy Chase Master Plan.

- ii. *"Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses."*

Multi-family Unit

The site is currently developed with surface parking lots that accommodate employee, visitor and overflow parking for the Hotel Unit – the Bethesda Marriott and Conference Center. The Subject Property will be redeveloped with residential development in close proximity to the Grosvenor Metrorail Station; a higher density development with underground parking. Recreational amenities and green space for residents and visitors will be included in the redevelopment.

Hotel Unit

All development on the Hotel Unit included in this Sketch Plan is existing and not proposed for redevelopment with this Application.

- iii. *"Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street."*

Multi-family Unit

The project provides a variety of unit types as well as 15% MPDUs. The Multi-family buildings' distance to the Grosvenor Metrorail Station will allow for a variety of mobility options as the Applicant considers ways to enhance the walk shed, in addition to the existing bus service along the Pooks Hill Road adjacent to the site for better access from the project to the Metro Station, creating some mobility options for future residents, beyond the private automobile. The Project places all required parking underground thereby eliminating the need for parking between the building and the street.

Hotel Unit

The Hotel provides proximity to the Grosvenor Metrorail Station through its shuttle service added to the existing bus service along the Pooks Hill Road creating mobility options for hotel users and visitors, beyond the private automobile. The existing parking located between the hotel and the street will not change under this Application.

- iv. *“Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.”*

Multi-Family Unit

The two buildings containing the Multi-family Units will be up to 160 feet in height. Placement of both buildings was designed to maintain views to and from the abutting property and buildings to the west, and to minimize impacts to the site's natural topography. The uses, densities, and heights are compatible with the adjoining neighborhoods to the south and west as these properties are developed with higher density multi-family residential buildings with similar heights.

Hotel Unit

The building height and density of the existing hotel development maintains compatible relationships with adjoining neighborhoods.

- v. *“Integrate an appropriate balance of employment and housing opportunities.”*

Multi-Family Unit

The project proposes up to 650 multi-family units with 15% of the units to be developed as MPDUs, increasing the County's supply of MPDU's near public transit (bus stops and a Metrorail station). New housing near the Metrorail station will offer residents greater public transportation access to

employment opportunities in the county and surrounding metropolitan area.

Hotel Unit

No new employment opportunities are provided under this Application, but it does retain the existing Hotel.

- vi. *“Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.”*

The Application will provide the required public benefits from a minimum of three categories to achieve the desired incentive density above the standard method limit.

- b. The Sketch Plan meets the applicable development standards of Section 59.4.5.4 and Article 59.6: GENERAL DEVELOPMENT REQUIREMENTS, as shown in the Data Table below. The balance of required development standards for this project will be reviewed, as appropriate, at the site plan stage.

Project Data Table for the CR1.0 C1.0 R0.75 H160 Zone			
Development Section	Standard	Permitted/Required	Approved
59 4.5.4			
Gross Tract Area			844,348 sf. (19.38 ac)
Previous Dedications			63,797 sf. (1.46 ac)
Proposed Dedications			0
Net Lot Area			780,595 sf. (17.92 ac)
Maximum Density, max. total		1.0 FAR (844,348 sf)	0.96 FAR (809,348 sf.)
<i>Residential, max.</i>		0.75 FAR (633,261 sf)	0.65 FAR (549,755 sf.)
<i>Non-Residential, max.</i>		1.0 FAR (844,348)	0.31 FAR (259,593 sf.) ¹
MPDUs, min. (%)		12.5%	15%
MPDU Gross Floor Area, excluded from density calculation per Section 59.4.7.3.D.6.c.iii. ²			97,000 sf.
Building Height (feet)		160	160
Green Space Requirement (%) of Net Lot		45%	45% (8.1 acres) ³
Parking (spaces)			
<i>Multi-family</i>		Baseline Maximum: 1 space/studio; 1.25 space/one bedroom, 1.5/two bedroom; 2.0 / three bedroom ²	TBD at Site Plan ⁴
<i>Hotel</i>		602	TBD at Site Plan ⁴

¹The 259,593 square footage includes the existing Bethesda Marriott Hotel. It does not include the Applicant's requested 35,000 square foot addition to the hotel unit, as no information on location and massing was submitted with the Sketch Plan Application.

²For projects providing 15% MPDU's, the Gross Floor Area (GFA) of all MPDU's is exempt from the calculation of FAR under Section 4.7.3.D.6.c.iii (646,755 GFA of total building minus the 97,000 GFA for MPDU's =549,755 sf)

³Per Section 7.3.3 E.4 of the Zoning Ordinance, the property is required to satisfy only a green area requirement of 45% of lot area, based on the property's zoning in effect on October 30, 2014 and the open space requirement set forth for CR 2014 and the open space requirement set forth for CR 2014 property is not required. The 45% requirement is based upon the entire 19.38 acres which includes both the Multi-family Unit of 6.0 acres and the hotel unit parcel of 11.92 acres, plus previous dedications

⁴The property qualifies as a reduced parking area because of its CR zoning and the maximum requirement for parking spaces is shown for informational purposes. The actual number of parking spaces will be determined at Site Plan.

2. *The Sketch Plan substantially conforms to the recommendations of the Master Plan.*

As discussed in more detail above, the Application substantially conforms to the recommendations of the Master Plan by providing new housing including the provision of affordable housing through the construction of MPDUs; prohibiting higher density residential development from encroaching on one family residential areas by redeveloping only those properties that are zoned for higher densities;

protecting environmental resources through the use of conservation easements and stream restoration efforts; and by ensuring safe and adequate access for pedestrian and bicycle circulation patterns through new sidewalks into the site and bikes lanes on Pooks Hill Road. As built, the Hotel will continue to substantially conform to recommendations of the Master Plan with respect to land use, density and no disturbance to existing environmental resources.

- 3. The Sketch Plan satisfies any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

- 4. The Sketch Plan under Section 7.7.1.B.5 for a property where the zoning classification on October 29, 2014 was the result a Local map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014.*

The R-H zoning classification for the Subject Property on October 29, 2014, was not the result of a Local Map Amendment. Under Section 59.7.7.1.5 (b) of the Zoning Ordinance, any property with a green area requirement under the Zoning Ordinance in effect on October 29, 2014 must continue to meet the green area standard and is not required to fulfill the open space requirement of the zoning designation in place on October 30, 2014. The green area for this Property is 45% or 8.1 acres, and satisfies this requirement.

- 5. The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

Multi-Family Unit

The multifamily development is compatible in height and scale with the existing hotel and high-rise multi-family developments nearby. The development conditions for improvement to the site design along Pooks Hill Road will create a welcoming pedestrian space as it transitions to the mid-rise residential developments across the street.

The project upgrades the physical environment along Pooks Hill Road by replacing surface parking lots with new residential units and a street presence and will create pedestrian linkages between the Subject Property and the surrounding residential developments.

Hotel Unit

All development on the Hotel Unit included in this Sketch Plan is existing.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

Multi-family Unit

As conditioned to more clearly delineate the limits of vehicular access and to define pedestrian and seating areas, through the use of bollards, paving, landscaping, lighting and similar methods, the Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. Automobile and service access to the Multi-family Unit is separated. Automobile and bicycle access to each residential building will be from the main driveway via Pooks Hill Road into the paved plaza. Each building will have a separate access point for trucks and loading located off of Pooks Hill Road and away from the main driveway to ensure safe and efficient vehicular circulation to and from the Property. All residential parking will be located in garages underneath each tower and accessible from the paved plaza area via the main driveway. Proposed streetscape improvements along Pooks Hill Road and the new pedestrian sidewalk leading from the roadway into Property will create a new pedestrian experience for residents and visitors. The new pedestrian connection will activate the previously undeveloped property.

Hotel Unit

Two vehicular entrances are located off of Pooks Hill Road. The main entrance to the parking facility has a median accommodating separate ingress and egress. Both entrances allow full turning movements for ingress and egress. All parking access is controlled by gates. Loading and servicing facilities are located on the north side of the hotel unit and accessible from the parking area closest to the building. A secondary entrance for service vehicles is located at the eastern edge of the Property away from the vehicular entrance which ensures safe and efficient vehicular circulation on the Site.

Pedestrian access is via existing concrete sidewalks along Pooks Hill Road which connect with sidewalks along both sides of the hotel building's vehicular entrance and extend to the hotel's entrance and lobby. Pedestrian circulation is accommodated by concrete sidewalks located in the parking facility which leads to sidewalks that provide access to the hotel.

The residential buildings and the hotel meet this finding by providing satisfactory vehicular, pedestrian and bicycle access and circulation, and parking and loading.

7. *The Sketch Plans proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Per Section 59.4.7.1.B, General Public Benefit Considerations, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept, and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

The project proposes the following public benefits in order to achieve the requested incentive density consistent with the CR Zone regulations and guidelines:

Public Benefits Calculations		
Public Benefit	Incentive Density Points	
	Max Allowed	Proposed
59.4.7.3B: Transit Proximity	20	20
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	10	7
59.4.7.3D: Diversity of Uses and Activities		
Affordable Housing (MPDUs)	No limit	30
59.4.7.3E: Quality of Building and Site Design		
Structured Parking	20	19.7
Exceptional Design	10	5
Architectural Elevations	20	10
59.4.7.3F: Protection and Enhancement of the Natural Environment		
Building Lot Terminations	30	8.3
Vegetated Wall	10	5
Tree Canopy	15	7.5
Vegetated Area	10	5

Vegetated Roof	15	7.5
Cool Roof	10	5
TOTAL		130.0

Transit Proximity

The Subject Property is located within one mile of the Grosvenor Metrorail Station. However, the Board found that distance alone does not meet the intent of transit “proximity,” which requires a better relationship of place. At this time the Planning Board supports some of the 20 points proposed based on the transit proximity criteria contained in Section 59.4.7.3 of the Zoning Ordinance, and in fact encourages the Applicant to include Transit Proximity as a public benefit. However, at site plan the Applicant must propose a solution to improve access between the project and the Metro Station so that there is a comfortable “walkshed.”

Connectivity and Mobility

Minimum Parking: The Applicant will provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance and proposed 7 points.

Diversity of Uses and Activities

Affordable Housing: The Applicant proposed 30 points for providing 15% of the multi-family units as MPDUs. Final number of MPDU units to be determined at Site Plan.

Quality of Building and Site Design

Structured Parking: The Applicant proposed 19.7 points for structured parking with 755 parking spaces located in two below-ground parking garages and 10 surface parking spaces. The final parking counts will be determined at Site Plan.

Exceptional Design: The design and placement of the two multi-family buildings seeks to minimize impacts to the site’s topography and to attain visual compatibility with the surrounding residential communities. The current site design does not maximize the connection between the residential buildings and the larger public realm. At site plan, the Applicant will need to further develop this relationship in order to achieve the requested points

Architectural Elevations: The Applicant must further develop the design to break-up the massing of the building facades. At Site Plan, the Applicant will need to further develop these design elements in order to achieve the requested points.

Protection and Enhancement of the Natural Environment

BLTs: Up to 30 points can be granted for the purchase of Building Lot Termination (“BLT”) easements or payment to the Agricultural Land Preservation

Fund. A BLT equals 31,500 square feet. The formula for determining points in this Application is as follows: the difference between the Application's Gross Floor Area ("GFA") (809,348 square feet) minus the standard Method GFA (422,174) times the incentive density 0.75 equals 29,038 square feet divided by 31,500 square feet which equals 0.92 or 8.3 points.

Vegetated Wall: For the residential buildings, garage and retaining walls visible from a public street will be at least 30% covered in vegetation.

Tree Canopy: This project will provide and retain a tree canopy that meets the coverage requirements set forth in Section 59.4.7.3.F of the Zoning Ordinance for protecting tree canopy coverage with at least 15% years of growth.

Vegetated Area: The project will provide planting areas covering at least 5,000 square feet in a minimum of 12" soil.

Vegetated Roof: Vegetated roofs will be installed on each residential building. The vegetated roof will cover at least 33% of each roof and excluding the area for mechanical equipment with adequate soil depth in excess of 2 inches.

Cool Roof: Each residential building will provide a cool roof with a minimum solar reflectance index ("SRI") of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12. The final design will be determined at the time of site plan.

8. *The Sketch Plan establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The hotel will remain as existing. The residential buildings will be built in two phases, and detailed phasing plan will be provided at time of site plan.

BE IT FURTHER RESOLVED that at the time of site plan the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59.4.5.1, Section 59.7.3, and the Master Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59.4.5.1, Section 59.7.3, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the

proposed change is necessary to meet the site plan approval standards, including conformance with zoning or Master Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59.7.3.3, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding elements of the plans for Sketch Plan No. 320150060, Pooks Hill, stamped received by M-NCPPC on July 10, 2015 are required except as modified herein; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and effective the date of this Resolution is SEP 15 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Presley, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



July 19, 2016

Marco Fuster
 Area 1 Senior Planner
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, MD 20910

**Re: Forest Conservation Tree Variance Request
 Parcel K, Pooks Hill, Bethesda Land Condominium
 Hotel and Development Parcel Units
 Bethesda, Montgomery County, Maryland
 Final Forest Conservation Plan 820160080
 VIKA # VM1391J**

Dear Mr. Fuster:

On behalf of our clients, Pooks Hill JV, LLC and Bethesda Hotel Acquisition, LP, we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to remove or impact any tree greater than 30" in diameter-at-breast-height (dbh), any tree with a dbh equal to or greater than 75% of the current state champion, trees that are part of an historic site or associated with an historic structure, any tree designated as the county champion tree, any tree, shrub or plant identified on the rare, threatened or endangered list of the U.S. Fish and Wildlife Service of the Maryland Department of Natural Resources, if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

The subject property is located in Bethesda, Montgomery County, Maryland on the northern side of Pooks Hill Road between Linden Avenue and Rockville Pike. The 19.38 acre site comprises two land condominium units created in 2006 on a platted parcel of land known as Parcel K of the "Pooks Hill" Subdivision located at 5151 Pooks Hill Road. Under District Map Amendment No. G-956, the Property was reclassified to the CR-1.0, C-1.0, R-0.75 H-160 Zone. The existing Marriott Hotel, which is proposed to remain, is located on the northern "Hotel Unit". Sketch Plan 320150060, approved 7/30/2015, proposes redevelopment of the currently unimproved southern "Development Parcel Unit" with two high-rise residential towers. NRI 420152120, approved 9/17/2015, covered all of Parcel 'K', both the hotel unit and the development parcel unit.

This Tree Variance Request is accompanying Overall Final Forest Conservation Plan 820160080 for Parcel 'K' which is being submitted with Site Plan 820160080. This request proposes allowing limited impact to one specimen tree to be preserved and removal of four specimen trees, all of which are located on the Development Parcel Unit.

VIKA Maryland, LLC

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 Germantown, Maryland 20874 Germantown, MD Washington, DC

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Table 1, below, lists the Variance specimen trees as they are identified on the Final Forest Conservation Plan and provides their respective proposed impacts.

Table 1

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)	CONDITION	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
1	Liriodendron tulipifera	Tulip Poplar	33	Good	6,046	6,046	100.00	REMOVE
4A	Carya tomentosa	Mockernut Hickory	26	Fair	4,778	4,778	100.00	REMOVE
4B	Carya tomentosa	Mockernut Hickory	26	Fair	4,778	4,778	100.00	REMOVE
7	Liriodendron tulipifera	Tulip Poplar	30	Fair	6,362	2,585	40.63	REMOVE
31	Quercus velutina	Black Oak	40	Poor	11,310	492	4.35	SAVE

The Assessment below was performed by Ecotone, Inc. at the time of the field work for the NRI as a visual, and at-grade-level inspection with no invasive, below grade, or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

1. Tree # 1

33" Tulip Poplar (Liriodendron tulipifera): Tree 1 is located in a parking lot island on the northern portion of Development Parcel Unit.

- **Field Condition:** Good
- **Proposed CRZ Impact:** Extensive at 100% as the tree itself is within the LOD for the proposed North Tower Building and is within +/- 15' feet of that building and +/- 6' of the proposed stormdrain. Removal of this tree allows for greater preservation of the other on-site environmentally sensitive resources while accommodating the significant constraints associated with building placement on the property. These building constraints include a negotiated agreement with the adjacent Promenade Condominium development to maximize their view shed by effectively limiting the building envelope to a much smaller area than normally allowed by zoning. Further, the on-site environmental constraints, including steep slopes and significant forested areas presented a challenge to building placement in order to minimize the amount of cut-and-fill as well as tree loss. Finally, the building locations were affected by the need to maximize a strong relationship to Pooks Hill Road in conformance with urban design principles and recommendations found in the Master Plan, as well as minimizing potential conflicts between service entrances. On balance, the final building locations, address all these constraints while preserving 2.01 acres of forest and allowing 0.11 acres of afforestation on the development parcel unit.
- **Disposition:** Tree 1 is specified to be removed.

2. Tree # 4A

26" Twin-trunk Mockernut Hickory (Carya tomentosa): Tree 4A is located in the northwestern portion of the existing forest on the Development Parcel unit. This is a twin trunk tree with a shared base with Tree 4B and both trunks measure 26" DBH and are 75% of the state champion for the species.

- **Field Condition:** Fair.
- **Proposed CRZ Impact:** Extensive at 100% as the tree itself is impacted by the proposed 8' retaining wall behind the ramp serving the North Building garage.
- **Disposition:** Tree 4A is specified to be removed.



3. Tree # 4B

26" Twin-trunk Mockernut Hickory (*Carya tomentosa*): Tree 4B is located in the northwestern portion of the existing forest on the Development Parcel unit. This is a twin trunk tree with a shared base with Tree 4A and both trunks measure 26" DBH and are 75% of the state champion for the species.

- **Field Condition:** Fair.

Proposed CRZ Impact: Extensive at 100% as the tree itself is impacted by the proposed 8' retaining wall behind the ramp serving the North Building garage.

- **Disposition:** Tree 4b is specified to be removed.

As detailed above for Tree 1, the on-site environmental constraints, including steep slopes and significant forested areas presented a challenge to building placement in order to minimize the amount of cut-and-fill as well as tree loss. The building locations were affected by the negotiated agreement with the adjacent Promenade Condominium development, by the need to maximize a strong relationship to Pooks Hill Road in conformance with urban design principles and recommendations found in the Master Plan, as well as minimizing potential conflicts between service entrances. The finished floor elevation (FFE) for the North and South Towers is set at elevation 270 and, therefore, retaining walls are required as the forest to the west of the towers is at elevation +/- 295 at the top of the retaining wall at Trees 4A and 4B. The entrances to the two garages for the buildings are from the main plaza which serves as the unifying element for the project, providing vehicular access, emergency access, and amenity space for the project. By necessity, the ramp serving the North Building garage is integrated as close to the edge of the building as possible to minimize impact to the plaza and the adjacent forest. Although the retaining wall impacts these two trees, the project preserves 2.01 acres of forest and allows for 0.11 acres of afforestation on the development parcel unit.

4. Tree # 7

30" Tulip Poplar (*Liriodendron tulipifera*): Tree 7 is located in the northwestern portion of the existing forest on the Development Parcel unit.

- **Field Condition:** Fair with vines.
- **Proposed CRZ Impact:** Extensive at 40.63% as the tree is located within +/- 15' of the grading for the proposed stormwater management micro-biofilter. Removal of this tree allows for the accommodation of a required stormwater management micro-biofilter serving the drainage area on this portion of the Development Parcel unit. The location of the micro-biofilter is restricted by the footprint of the underground parking garage for the residential tower as well as the steep slopes on the site. The constraints on the building placement are described above. By necessity, the micro-biofilter is located in the only area that is relatively flat and outside of the garage footprint, while also positioned to permit maintenance access.
- **Disposition:** Tree 7 is specified to be removed.

5. Tree # 31

31" Black Oak (*Quercus velutina*): Tree 31 is located in the existing forest just outside of the Development Parcel unit along the western property line.

- **Field Condition:** Poor with dead branches and vines.
- **Proposed CRZ Impact:** Limited at 4.35% as the tree is located within +/- 46' of the grading for the proposed stormwater management micro-biofilter. The location of the micro-biofilter is restricted by the building locations, footprint of the underground parking garages for the residential towers and the steep slopes on the site. It is located in the only area that is relatively flat and outside of the garage footprints, while being positioned to allow maintenance access.

- **Disposition:** Tree 31 is specified to be preserved.

Justification Narrative for Tree Disturbance

As stated previously, the 19.38 acre site comprises the two Bethesda Land Condominium units, with the northern unit already developed by the Marriott Hotel to remain and the southern unit proposed for residential development with two high-rise towers. The Property is surrounded by the I-495 interchange and multi-family residential uses. The Pooks Hill Marriott Hotel was constructed in 1980, has operated since that time exclusively providing guest rooms for transient visitors and this continued use is allowed under the current zoning for the property.

The proposed residential development of 631 units, also allowed under the current zoning, follows the goals and recommendations of the Bethesda Chevy-Chase Master Plan by providing diverse housing opportunities through a variety of market rate unit sizes and layouts in a range of rents within a transit accessible area. Because the Project will contain a significant number of MPDUs (15%), it will facilitate economic diversity in a location that is well positioned near employment centers, Metro and bus lines, and shopping. Since much of the existing development in Pooks Hill predated the County's MPDU law, the proposed market rate residential units and MPDUs, will substantially increase the number of affordable housing units in this area.

The locations of the North and South Buildings are constrained by the previously negotiated agreement (prior to Sketch Plan) with the adjacent Promenade Condominium development to maximize the view shed for their property by greatly restricting the building envelope. The resulting building envelope is much smaller area than what would be allowed by zoning. Further, the significant environmental constraints on the property, including steep slopes and significant forested areas also presented a challenge to building placement. Finally, the building locations were affected by the goal of maximizing a strong relationship to Pooks Hill Road, to encourage pedestrian activation along the street through the building orientation and the placement of amenity areas, as well as minimizing potential conflicts between service entrances.

The site layout locates the towers towards the south and east edges of the Development Parcel Unit and the towers generally parallel the adjacent parcel boundary. Placing the towers in this location minimizes the impact of the development on the existing natural topography with forested steep slopes and helps to maintain views to and from the existing buildings on the abutting properties. The primary entrances to the towers front a shared paved plaza accessed from a single entrance driveway from Pooks Hill Road. This paved plaza is framed by the towers to the north and south and the stepped retaining walls to the west at the edge of the existing forest to remain. Thus arrival to the plaza provides dramatic views of the preserved forested hillside.

Existing forest cover totals 4.61 acres. The Forest Conservation Plan proposes clearing a total of 1.05 acres and preserving 2.01 acres of forest in a category I forest conservation easement on the development parcel unit and proposes 1.77 acres of future category I forest conservation easements on the hotel unit. The 0.42 acre reforestation requirement for the overall site is met with 0.34 acres of afforestation, 0.08 acres of fee-in-lieu payment.



For approval, the Variance Request must:

- 1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;**
- 2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;**
- 3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and**
- 4. Provide any other information appropriate to support the request.**

We submit the following rationale in support of the request for a Forest Conservation Tree Variance:

1. The requested tree variance is necessary for implementation of the residential development on the Development Parcel Unit which has an approved NRI and Sketch Plan and is proceeding through the development approval process with the submission of the Site Plan. Peculiar to the property is a negotiated settlement with the adjoining Promenade Condominium development which constrained the building envelope to optimize the view shed on that adjacent property. In addition, as previously described, the property has significant topographical constraints which affect building placement. The conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process under the zoning applied through the Master Plan. On balance, the siting of the buildings takes these factors into consideration while at the same time promoting a density and development consistent with the goals and objectives of the Master Plan.
2. The requested variance is based on plans being developed under the zoning approved through the County planning process, not conditions or circumstances resulting from actions by the applicant. The four (4) variance trees are impacted by the proposed redevelopment for which there is an approved Sketch Plan that supported the building program and the Site Plan has been submitted for approval. There are no conditions relating to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance. We believe the requested variances are fair and reasonable given the constraints outlined above. Denial of the variances would affect the economic feasibility of the entire project which is providing diverse housing opportunities, including MPDU's within a transit accessible area which, as previously stated, is consistent with the goals and objectives of the Master Plan.
3. Stormwater management is currently provided on the site by multiple micro bio-retention facilities spread around the site and green roofs on top of the proposed buildings. The concept storm water management plan for the Development Parcel Unit incorporates environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. The four (4) specimen trees being removed and the fifth specimen tree to be preserved are not in a stream valley buffer, wetland, or Special Protection Area. The plan provides stormwater treatment to the MEP of the Development Parcel Unit portion of the site through the use of micro bio-retention facilities and green roof on top of the two residential towers. These facilities will provide the required treatment for the disturbed areas associated with this project which will preserve 2.01 acres of forest and provide 0.11 acres of afforestation on the development parcel unit. Therefore, granting the variance to allow limited impact to one variance tree, while preserving it, and removal of four variance trees, will not result in any violation of State water quality standards or degradation of water quality.

4. The balance of the development parcel unit that is not developed with buildings and paving provides significant bio-mass in the form of 2.01 acres of forest retention, 0.11 acres of afforestation and landscape planting areas with trees and shrubs rather than lawns which consume significant resources to maintain while providing limited benefit to the natural environment.

Thank you for your consideration of this Tree Variance Request. We believe that the supporting information provided with this letter justifies the variance to remove four (4) specimen trees and allow limited impact to a fifth specimen tree to be preserved. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA Maryland, LLC.



Stephen K. Cook, ALSA, LEED AP O+M
Senior Landscape Architect



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

August 11, 2016

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Pooks Hill, ePlan 820160080, NRI/FSD application accepted on 5/20/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and that the Montgomery County Planning Department ("Planning Department") has completed all other reviews required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance cannot be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the



variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant does not qualify for a variance. Based on careful consideration of the documents provided with the application and the staff report, as well as discussions with Planning Department staff, the applicant has failed to describe special conditions peculiar to this property which would cause unwarranted hardship or how the landowner would be deprived of rights commonly enjoyed by others in similar situations, as required by Section 22A-21(b)(1), and would be granted special privileges denied to other similarly-situated applicants for impacts to trees subject to the variance provisions on the property. The applicant has not provided alternative designs, or reasons why alternatives are not viable, to retain tree #7. I further recommend that the Planning Board require the applicant address all of the conditions of approval outlined in the Planning Department staff report and discussions. These recommendations include, but are not limited to, the following:

- retaining tree #7, as well as providing mitigation for it in the event removal is required in the future;
- reducing the limits of disturbance and grading to the degree possible around tree #7; and
- using tree save measures to further reduce impacts and increase long-term health of tree # 7.

Once these items are adequately addressed to the satisfaction of Planning Department staff, I recommend that the Pooks Hill project be granted a variance from the requirements of Chapter 22A of the Montgomery County Code.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Marco Fuster, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 5, 2016

Mr. Jagdish Mandavia, P.E.
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 29874

Re: **COMBINATION CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** Request for Pooks Hill
Site Plan #: 820160080
SM File #: 280376
Tract Size/Zone: 6.02 Ac./CR 1.0
Total Concept Area: 3.73 Ac.
Parcel(s): K
Watershed: Lower Rock Creek

Dear Mr. Mandavia:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals for ESD via green roofs and micro-biofilters/planter boxes.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. Use DPS latest design standards at time of plan submittal.
6. Use correct setbacks from building for the surface micro-biofilter.
7. Green roof is to be 8 inches thick and a minimum of 13,928 square feet. Try to increase the amount of green roof at time of plan submittal.
8. Green roof to be designed by a professional with green roof experience.

Mr. Jagdish Mandavia, P.E.
February 5, 2016
Page 2 of 2

9. All covered parking is to drain to WSSC.
10. Provide a copy of the mechanical plans showing a schematic of roof drains and garage drains. Show that the garage drains go to WSSC and that the roof drains go to the stormwater structures.
11. Where possible provide flow splitters to the stormwater management structures.

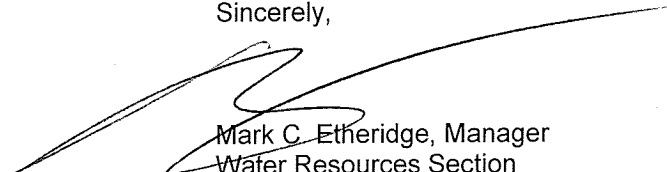
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN280376 Pooks Hill.DWK

cc: C. Conlon
SM File # 280376

ESD Acres:	3.73
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00



July 19, 2016

Ms. Kathy Reilly, AICP
Coordinator, Area 1
M-MCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Pooks Hill Project
Site Plan Application No. 820160080
VIKA Project #VM1391J

Dear Kathy:

In their recent Phase I Noise Analysis, dated January 12, 2016, as well as their subsequent addendum (attached herein); Phoenix Noise & Vibration describes how their noise analysis was conducted. Their model was based upon on-site measurements of existing noise levels, existing site information, proposed development conditions, and projected roadway data. The noise impact was evaluated in accordance with guidelines listed in Montgomery County's *Staff Guidelines for the Consideration of Transportation Noise Impact in Land Use Planning and Development*, which notes that if transportation noise impact exceeds 65 dBA Ldn, mitigation may be required for outdoor amenity areas.

As shown on the attached exhibit, most of the subject property will experience noise levels below 65 dBA Ldn. Areas that are slightly above 65 dBA Ldn occur at the north building outdoor pool deck area on the 15th floor, outdoor area on the 16th floor, and outdoor amenity area on the 17th floor of the south building. Options to mitigate these roof terrace noise levels would be to add a 6' high barrier or raised parapet on perimeter terrace level of the north building, and a 5' high barrier or raised parapet on perimeter terrace level of the south building. With the highest dBA levels ranging 66-70, it is our recommendation to maintain the standard 42" high barrier to provide the required fall prevention measures while allowing, improved views and prevailing breezes to move across the amenity space. Furthermore, the difference between 65 and 70 dBA are negligible, and do not warrant additional barrier measures.

VIKA Maryland, LLC

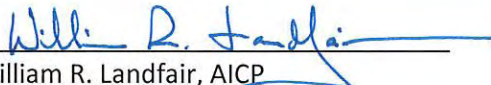
20251 Century Boulevard, Suite 400 ✪ Germantown, Maryland 20874 ✪ 301.916.4100 Fax 301.916.2262
Tysons, VA ✪ Germantown, MD ✪ Washington, DC

www.vika.com



The ground level spaces impacted by levels above 65dBA Ldn are very limited areas along the south building facing Pooks Hill Road proposed for residents' terraces and a seating area, and part of a similar seating area at the corner of the north building facing the road. It's important to note that the amount of increase above 65 dBA Ldn for these amenity areas will vary between 1 and 2 dBA, an imperceptible difference as subjectively heard by the human ear. If noise levels are to be mitigated below 65 dBA Ldn at these ground level amenity spaces, mitigation in the form of a physical barrier such as a solid wall, or earthen berms would be needed between the amenity areas and Pooks Hill Road. There is no physical room for an earthen berm of sufficient height given the proximity of proposed micro-bio retention facilities and planting. A noise barrier in the form of a masonry wall would need to be a minimum of 6 feet in height. The wall, and to some extent an earthen berm, would also adversely affect the development's strong relationship with the road and surrounding neighborhood. On balance, this detriment to the projects aesthetics is not worth a decrease in noise that is otherwise unnoticeable to the average user of the outdoor amenity areas.

Sincerely,
VIKA Maryland, LLC


William R. Landfair, AICP
Associate

WRL/sc

Enclosures: Noise Study Addendum
Noise Exhibit

MEMO

To: William R. Landfair, VIKA Maryland, LLC
Cc: Troy Balkema, Quadrangle Development Corporation
From: Josh Curley, Senior Engineer
Date: 14 June 2016
Reference: Pooks Hill – At-Grade Outdoor Activity Area Noise Levels
Phase I Noise Analysis Addendum



Phoenix Sound & Vibration, LLC
5216 Chairmans Court, Suite 107
Frederick, Maryland 21703
301.846.4227 (phone)
301.846.4355 (fax)
www.phoenixnv.com

Phoenix Noise & Vibration recently completed a Phase I Noise Analysis¹ for the proposed Pooks Hill development in Montgomery County, Maryland. This noise analysis used a three-dimensional noise propagation model to calculate future roadway noise levels throughout outdoor activity areas and across each future building elevation. The noise output of the computer model was based upon on-site measurements of existing noise levels, existing surrounding site information (topography and buildings), future site information (topography, building locations and heights, retaining walls), and projected roadway data.

Noise impact throughout the future site was evaluated according to the guidelines listed in Montgomery County's *Staff Guidelines for the Consideration of Transportation Noise Impact In Land Use Planning and Development* (June 1983). According to this document, if transportation noise impact upon the Pooks Hill development is expected to exceed 65 dBA Ldn,² mitigation may be required to maintain noise levels in outdoor activity areas and the interior of residential buildings below 65 and 45 dBA Ldn, respectively.

Relative to noise levels in the proposed grade level outdoor activity areas, the Pooks Hill Phase I Noise Analysis determined that noise levels throughout all at-grade outdoor bistro areas would be below 65 dBA Ldn, with the exception of a very small portion of the easternmost bistro area where the noise level will slightly exceed 65 dBA Ldn (at 66 dBA Ldn) due to the close proximity to Pooks Hill Road. See enclosed Drawing 2A, a modified version of Drawing 2 from the Phase I Noise Analysis, in which the at-grade outdoor areas of the site exposed to 65 dBA Ldn are indicated by the blue hatched area. The noise levels shown are "mitigated" noise levels, accounting for the presence of all future site topography, retaining walls, and buildings on noise propagation throughout the site.

¹ Report dated 12 January 2016, prepared for QDC Development Services, LLC.

² The day-night average noise level, or Ldn, is the equivalent sound pressure level averaged over a 24-hour period, obtained by adding 10 dB to sound pressure levels measured from 10:00 PM to 7:00 AM. This 10 dB "penalty" accounts for the added sensitivity caused by noise generated during nighttime hours.

The Ldn is NOT a measurement of the instantaneous noise level. It is very possible to have several short term events (tractor trailer, emergency vehicle siren, car horn, etc.) which generate a relatively high noise level (e.g. 85 dBA) during a given time period, yet have a more moderate overall Ldn value (e.g. 65 dBA Ldn).

While the noise level in a small portion of the easternmost bistro is slightly above the 65 dBA Ldn limit, the exceedance is only 1 dBA, an imperceptible difference as subjectively measured by the human ear. On average, the following describes the human ear’s subjective perception of changes in overall noise level:

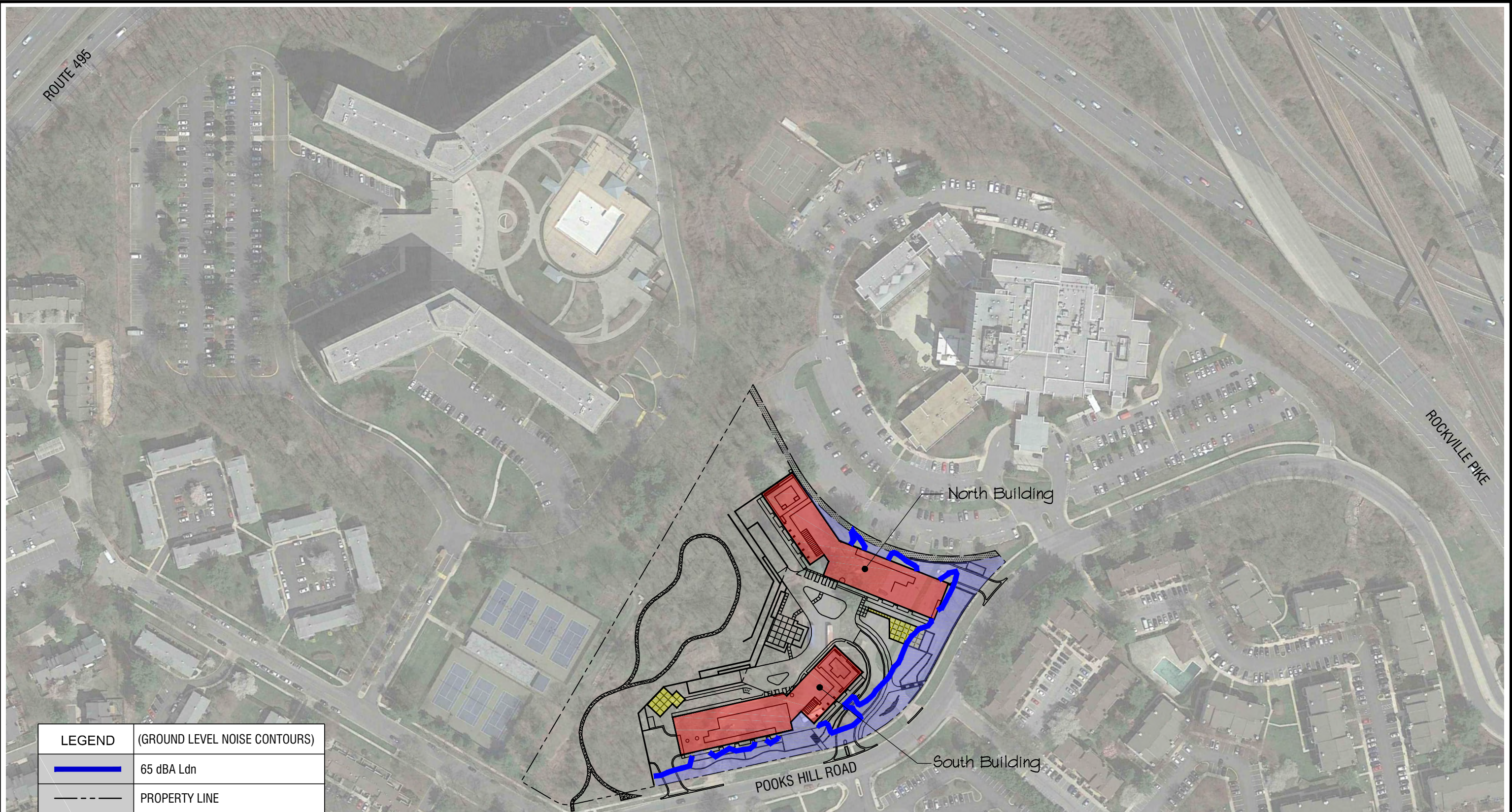
Change in Noise Level:	Subjectively Heard As:
1 dBA	Imperceptible
3 dBA	Barely perceptible
5 dBA	Clearly perceptible
10 dBA	Twice as loud


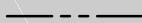

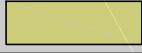

Note that the average human ear cannot detect a 1 dBA change in noise level; i.e. if a radio were at a volume of 60 dBA, then the volume were increased to 61 dBA, the average listener would not notice the slight increase in volume. Applying this to the noise impact upon the bistro, an occupant of the outdoor area will not be able to discern the difference between a noise level of 65 dBA Ldn and a noise level of 66 dBA Ldn.

If noise levels in the easternmost bistro are to be strictly below 65 dBA Ldn, additional mitigation will be required, such as a noise barrier or earthen berm between the bistro and Pooks Hill Road. A noise barrier or berm in this location may alter the function and aesthetics of the space, while providing a decrease in noise that will be unnoticeable to the average user of the outdoor area.

Furthermore, recall that the Ldn, the metric used by Montgomery County in assessing noise impact upon residential development, is the noise level averaged over a 24-hour period with a 10 dBA penalty artificially added to nighttime noise levels (10 PM to 7 AM by definition of the Ldn). With a roadway noise level of 65 dBA Ldn along Pooks Hill Road, the noise level due to the roadway may be higher than 65 dBA for short durations, such as when a car is driving on the road, and lower than 65 dBA throughout most of the 24-hour period, such that for the majority of any given day noise generated by Pooks Hill Road will be below 65 dBA.

Encl: Drawing 2A: Pooks Hill Future Mitigated Ground Level Noise Levels



LEGEND	(GROUND LEVEL NOISE CONTOURS)
	65 dBA Ldn
	PROPERTY LINE
	NOISE LEVELS GREATER THAN 65 dBA Ldn AT THE GROUND LEVEL (5 FEET)
	OUTDOOR BISTRO AREA
	BUILDING FOOT PRINT

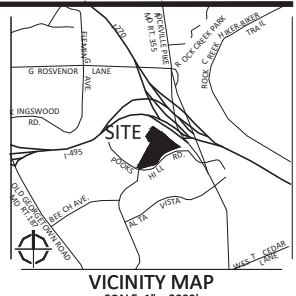
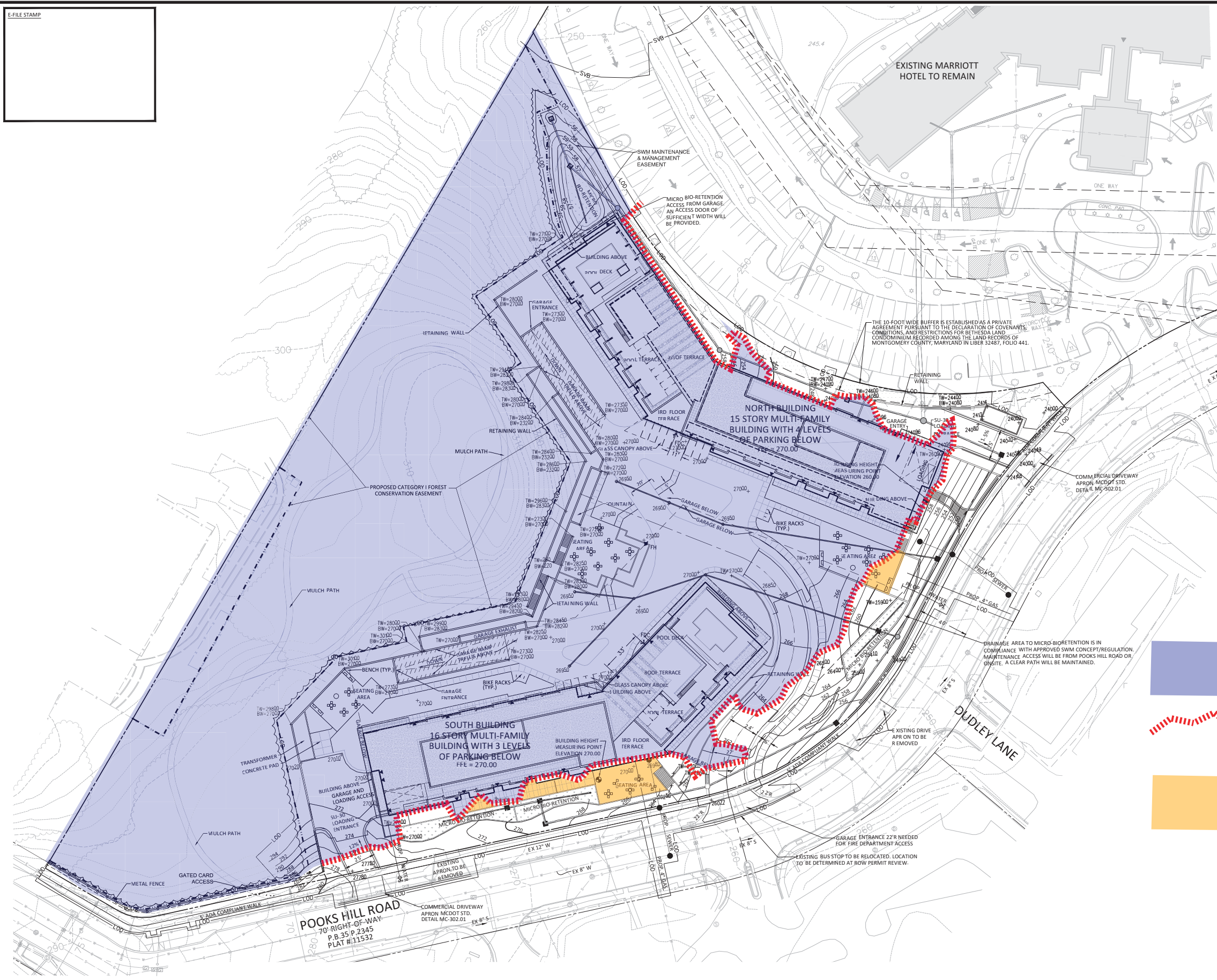


PHOENIX
noise & vibration

5216 Chairmans Court Suite 107
Frederick, MD 21703
301-846-4227

Pooks Hill		
FUTURE MITIGATED GROUND LEVEL NOISE LEVELS		
DWG. No. 2A	PRJ. No. QDC1501	DATE 07-JUNE-16
SCALE NOT TO SCALE		DRAWN BY WCC

E-FILE STAMP



PREPARED FOR:
POOKS HILL JV, LLC
c/o QUADRANGLE
DEVELOPMENT
CORPORATION
1001 G STREET NW
SUITE 700W
WASHINGTON, DC 20001
202.777.0720
TROY BALKEMA

DESIGN CONSULTANTS
ARCHITECT
SMITH GROUP JJR
1700 New York Avenue
Suite 100
Washington, DC 20001
202.842.2100
Wen Wang

LANDSCAPE ARCHITECT
SMITH GROUP JJR
2011 Depot Street, Second Floor
Ann Arbor, MI 48104
734.662.4457
Dino Lelas

ATTORNEY
MILLER, MILLER & CANBY
200 B Monroe Street
Rockville, MD 20850
301.762.5212
Soo Lee-Cho

CIVIL ENGINEER
VKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN, MD, 20874
301.916.4100
Jagdish Mandavia

TRAFFIC ENGINEER
KIMLEY HORN
11499 Commerce Park Drive
SUITE 400
Reston, VA 20191
703.674.1307
Edward Pappas

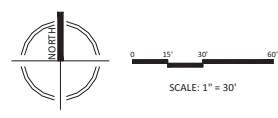
REVISIONS	DATE
INITIAL SUBMISSION	01/29/16
2ND SUBMISSION	02/12/16
3RD SUBMISSION	05/13/16
4TH SUBMISSION	07/07/16

PROFESSIONAL SEAL

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
JAGDISH MANDAVIA, LICENSE NO. 00278
EXPIRATION DATE: MARCH 23, 2017

POOKS HILL
BETHESDA
7TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 215NW05
TAX MAP: HP22

- Noise levels less than 65 dBA Ldn at ground level (5')
- Noise level line greater than 65 dBA Ldn at ground level (5')
- Outdoor amenity areas exposed to noise levels greater than 65 dBA Ldn at ground level (5')



DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Site Plan Approval No. 88010008 including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: POOKS HILL JV, LLC
Contact Person: TROY BALKEMA
Address: SUITE 200W 1001 G ST. NW WASHINGTON, DC 20001
Phone & E-mail: 202.777.0720 balkema@quadr.com

Signature: _____ Date: _____

DRAWN BY: SG
DESIGNED BY: SC
DATE ISSUED: 05/13/16
VKA PROJECT: 1391J
DRAWING NO. _____
SHEET NO. _____

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

June 8, 2016

Mr. Ed Papazian
Kimley Horn & Associates, Inc.
11400 Commerce Park Drive, Suite 400
Reston VA 20191

Dear Mr. Papazian:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by Kimley Horn, dated May 17, 2016 (received on May 19, 2016), for the Pooks Hill residential development – 16APMO005XX located on MD 355 (Mile Point 3.83) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 631 residential units is via one (1) full movement site access to Pooks Hill Road connecting to MD 355.
- The following intersections were analyzed under existing, background and future conditions:
 - Old Georgetown Road at Beech Avenue
 - Tower Access at Pooks Hill Road
 - Pooks Hill Road at Rockville Pike
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, please address the following comments in a point-by-point response: .

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Regional and Intermodal Planning Division (RIPD) Comments (Provided by: Samantha Biddle):

1. Comments provided in previous letter dated May 3rd, 2016 still stand. There are no additional comments from RIPD.

Data Services Engineering Division (DSED) Comments (Provided by: Elisa Mitchell):

1. The study continues to show a significant queue on eastbound Pooks Hill Road approaching MD 355 with the development traffic added in. It is not clear if the proposed restriping will mitigate the added traffic, however we defer to the County regarding the adequacy of the mitigation as the queue is on a County facility.

Traffic Development & Support Division (TDSD) Comments (Provided by: Errol Stoute):

1. After reviewing the Synchro model for Pooks Hill Road at Rockville Pike intersection, TDSD has concerns about the queues on the eastbound of Pooks Hill Road for the double left turns for the AM and PM peak hours from the traffic added in by the development. We defer the decision to County for any mitigation or improvement regarding the queues on Pooks Hill Road.

District 3 Traffic Comments (Provided by: Jack Goode):

1. District 3 Traffic has received the revised traffic impact study and off no additional comments at this time.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit two (2) sets of the plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Pranoy Choudhury. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development.

Mr. Papazian
SHA Tracking No.: 16APMO005XX
Page 3 of 3
June 8, 2016

If you have any questions, or require additional information, please contact Mr. Pranoy Choudhury at 301-531-7325, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7325), or via email at pchoudhury@sha.state.md.us

Sincerely,



Brian W. Young,
District Engineer, District 3, SHA

BWY/kh

cc: Samer Alhawamdeh (SHA – TDSD)
Samantha Biddle (SHA – RIPD)
Matthew Folden (Montgomery County Planning Department)
Jack Goode (SHA – District 3 Traffic)
Elisa Mitchell (SHA – DSED)
Anyesha Mookherjee (SHA – District 3 Traffic)
Dave Murnan (SHA – District 3 Traffic)
Errol Stoute (SHA – TDSD)

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

May 3rd, 2016

RE: Montgomery County
MD 355
Mile Point: 3.83
Pooks Hill
SHA Tracking No. 16APMO005XX

Mr. Ed Papazian
Kimley Horn & Associates, Inc.
11400 Commerce Park Drive, Suite 400
Reston VA 20191

Dear Mr. Papazian:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by Kimley Horn, dated January 29th, 2016 (received on March 10th, 2016), for the Pooks Hill residential development in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 631 residential units is via one (1) full movement site access to Pooks Hill Road connecting to MD 355.
- The following intersections were analyzed under existing, background and future conditions:
 - Old Georgetown Road at Beech Avenue
 - Tower Access at Pooks Hill Road
 - Pooks Hill Road at Rockville Pike
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, please address the following comments in a point-by-point response:

My telephone number/toll-free number is [410-545-0400](tel:410-545-0400) or [1-800-206-0770](tel:1-800-206-0770)
Maryland Relay Service for Impaired Hearing or Speech 1 800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545 0300 • www.roads.maryland.gov

Regional and Intermodal Planning Division (RIPD) Comments (Provided by: Samantha Biddle):

- The State's fiscally constrained FY 2016-2021 Consolidated Transportation Program (CTP) includes projects under construction and/or development and evaluation. The CTP includes the MD 355 (Wisconsin Avenue/Rockville Pike/Hungerford Drive/Frederick Road/Frederick Avenue) bus rapid transit (BRT) planning study, a study of improvements necessary to implement BRT along MD 355 between Bethesda Metro Station and Redgrave Place, Clarksburg. This study began in the summer of 2014. If and when the project is funded for construction, it may affect right-of-way in the vicinity of MD 355 at Pooks Hill Road. For further information please contact Mr. Rick Kiegel, MTA Project Manager, at 410-767-1380 or rkiegel@mta.maryland.gov.
- The State's fiscally unconstrained Highway Needs Inventory (HNI), the State's long-range plan, includes the multi-lane reconstruction, including 6-lanes and transit, of MD 355 (Wisconsin Avenue/Rockville Pike) between DC and Montrose Parkway. If and when such improvements proceed, they may affect right-of-way.
- The Maryland-National Capital Park and Planning Commission (M-NCPPC) 1990 Bethesda-Chevy Chase Master Plan, as amended, and M-NCPPC Master Plan of Highways and Transit ways, as amended, in which this development lies, include the MD 355 South BRT corridor along MD 355 (Rockville Pike), intended as a two-lane median busway from I-495 (Capital Beltway) to Cedar Lane.
- Multimodal services and facilities are provided to the development site and along analyzed SHA facilities.
 - WMATA Metrorail Red Line service is accessible 1-mile north at Grosvenor Metro Station. Montgomery County Ride On also serves the development site. All roadway improvements to SHA roadway facilities should provide for and maintain full ADA-compliant access to existing and future transit facilities.
 - The M-NCPPC March 2005 Countywide Bikeways Functional Master Plan (CBFMP), as amended, identifies the off-road Bethesda Trolley Trail shared use path as the primary north-south facility for bicyclists and pedestrians through the study area. The trail is accessible from Beech Avenue approximately ½ mile west of the subject development.
 - Please note, in July 2015, M-NCPPC began work on a comprehensive update to the M-NCPPC 1978 Master Plan of Bikeways, of which the CBFMP is the most recent update.
 - Any improvements to SHA roadway facilities should allow for full ADA-compliant access to all bicycle and pedestrian facilities. For further information, please contact Jeff Folden, SHA Innovative Contracting Chief, at 410-545-8824 or jfolden1@sha.state.md.us and Anyesha Mookherjee, District 3 Traffic Assistant District Engineer, at 301-5513-7498 or amookherjee@sha.state.md.us.

Data Services Engineering Division (DSED) Comments (Provided by: Scott Holcomb):

- The queuing analyses for MD 355 at Pooks Hill Road should also look at the impacts to queues on MD 355, and not just on Pooks Hill Road.
- The Synchro model for the MD 355 at Pooks Hill Road intersection should be made available to SHA for review. We share the concerns that the County and TDSD have expressed concerning possible short-comings of the model as currently setup.

Traffic Development & Support Division (TDSD) Comments (Provided by: Samer Alhawamdeh):

- The Tower Access at Pooks Hill Road intersection operates at acceptable Level of Service (LOS) for all three conditions existing, background, and total traffic.
- The Old Georgetown Road at Beech Avenue intersection operates at unacceptable Level of Service (LOS) F for the background and Total Traffic conditions for the AM peak hour and (LOS) E for background and Total traffic conditions for the PM peak hour. Also, in addition the Pooks Hill Road at Rockville Pike intersection operates at unacceptable (LOS) E for the Background and Total Traffic conditions for both the AM and PM Peak hours. All analyzed intersections based on the Critical Lane Volume (CLV) analysis.
- The consultant used the Synchro/SimTraffic software for the queues analysis for the Pooks Hill Road at Rockville Pike intersection. The synchro report appendices output shows the 95th queue length for the eastbound left turn exceeds the storage length for both AM and PM peak hours. We recommend to provide us with the Synchro model electronic analysis files for the TIS in order to verify the output result for the Pooks Hill Road at Rockville Pike and Old Georgetown Road at Beech Avenue intersections.

District 3 Traffic Comments (Provided by: Jack Goode):

- In addition to the recommended installation of pavement markings along the Pooks Hill Road approach at the intersection with Rockville Pike to mitigate the extensive vehicle queuing, traffic signal timings should also be proposed and coordinated with Montgomery County DOT and MDSHA.

Mr. Papazian
SHA Tracking No.: 16APMO005XX
Page 4 of 4
May 3rd, 2016

Please submit one (1) copies of the revised traffic impact study and a CD containing the traffic impact study, all supporting documentation, and a point-by-point response addressing the comments noted above to Pranoy Choudhury. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Pranoy Choudhury at 301-513-7325, by using our toll free number in Maryland only at 1-800-876-4742 (x7325) or via email at pchoudhury@sha.state.md.us.

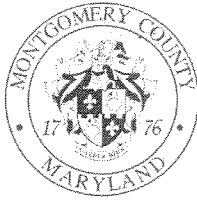
Sincerely,



Brian W. Young,
District Engineer, District 3, SHA

BWY/kh

cc: Samer Alhawamdeh (SHA – TDSD)
Samantha Biddle (SHA – RIPD)
Matthew Folden (Montgomery County Planning Department)
Jack Goode (SHA – District 3 Traffic)
Scott Holcomb (SHA – DSED)
Anyesha Mookherjee (SHA – District 3 Traffic)
Dave Murnan (SHA – District 3 Traffic)
Errol Stoute (SHA – TDSD)



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdich
Director

April 11, 2016

Mr. Matthew Folden, Planner Coordinator
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Site Plan No. 820160080
Pooks Hill Residential Development
Traffic Study

Matt
Dear Mr. Folden:

We have completed our review of the Local Area Transportation Review and Transportation Policy Area Review dated January 29, 2016 and prepared by Kimley Horn & Associates, Inc. Total development evaluated by the analysis includes 631 high rise residential dwelling units.

We offer the following comments:

Local Area Transportation Review (LATR)

1. We accept the consultant's conclusion that post-development Critical Lane Volumes for the studied intersections that are affected by development traffic will not exceed the congestion level threshold for the Bethesda Chevy Chase policy area.

The intersection of Old Georgetown Road and Beech Avenue should not be affected during the peak hours, by traffic from the Pooks Hill development due to an existing turn restriction on Pooks Hill Road at its intersection with Linden Avenue. The consultant's analysis shows the existing and background development traffic exceeds the congestion level threshold for this policy area (1,603 CLV with a maximum of 1,600 CLV) during the AM peak hour. The applicant's consultant did not add any traffic from the Pooks Hill development to this intersection since the turn restriction is intended to prevent vehicles from traveling through it. Therefore, this intersection should not be impacted by traffic from this development during the studied hours.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Mr. Matthew Folden
Preliminary Plan No. 820160080
April 11, 2016
Page 2

2. We defer to the Maryland State Highway Administration for the review of the intersections under their jurisdiction, particularly the commenting on page 31 for the Wisconsin Avenue (MD 355) and Pooks Hill Road intersection.

Pedestrian and Bicycle Impact Statement (PBIS)

1. The consultant provided a detailed evaluation of the pedestrian, bicycle and transit infrastructure for the studied intersections and roads. While we accept the consultant's conclusions, we believe the report could have been more useful if it identified the widths of the nearby existing sidewalks.

Transportation Policy Area Review (TPAR)

1. The site is located within the Bethesda Chevy Chase policy area. This policy area is inadequate for the transit and the roadway test. Therefore, a fifty percent (50%) TPAR payment is required for this development.

SUMMARY

1. The findings of the LATR have been accepted. The development will not exceed the congestion level threshold for the Bethesda Chevy Chase policy area for those intersections expected to receive development traffic during the study peak hours.
2. We concur with the applicant finding that a fifty percent (50%) TPAR payment is required.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Ms. Rebecca Torma, our Development Review Area Senior Planning Specialist for this project, at Rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Matthew Folden
Preliminary Plan No. 820160080
April 11, 2016
Page 3

m:\subdivision\tormar01\developments\Bethesda chevy chase\pooks hill\ 820160080 Pooks Hill TIS review.doc

cc: Troy Balkema, Pooks Hill JV, LLC
Edward Papazian, Kimley Horn
William Landfair, Vika Maryland, LLC
Soo Lee-Cho, Miller, Miller & Canby
Kathy Reilly, MNCPPC Area 2
Pranoy Choudhury, MSHA District 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Bruce Mangum, MCDOT DTEO
Kyle Liang, MCDOT DTEO
Rebecca Torma, MCDOT OTP



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 22-Aug-16
TO: Jagdish Mandavia - mandavia@vika.com
VIKA, Inc
FROM: Marie LaBaw
RE: Pooks Hill Bethesda
820160080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **22-Aug-16** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

July 29, 2016

Ms. Kathy Reilly
Area 1 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Pooks Hill
Site Plan No. 820160080

Dear Ms. Reilly:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above referenced plan and recommends Approval of the plan, with the following condition:

- This project has a density bonus, so it does not qualify for an alternative payment under Chapter 25A. If the buildings will be condominiums, the applicant will need to provide DHCA with a draft of the proposed condominium documents so that DHCA can determine if the Director should restrict any facilities, services or design costs for the MPDUs that may cause excessive mandatory condominium fees for the MPDU purchasers.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: William Landfair, VIKA Maryland, LLC

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Pooks Hill DHCA Letter 7-29-2016.doc

Division of Housing

Affordable
Housing Program
FAX 240-777-3709

Multifamily Housing
Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691

Licensing & Registration Unit
240-777-3666
FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • www.montgomerycountymd.gov/dhca



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 4, 2016

RECEIVED

MAR 04 2016

MONTGOMERY COUNTY PLANNING DEPARTMENT

Mr. Charles E. Buxbaum
5345 Pooks Hill Road
Bethesda, Maryland 20814

SUBJECT: Site Plan 820160080, Pooks Hill
C-track #2016-0268

Dear Mr. Buxbaum:

Thank you for your email correspondence of February 27, 2016, inquiring about Site Plan 820160080, Pooks Hill. This project is located at 5151 Pooks Hill Road in Bethesda and proposes two multi-family buildings with up to 631 residential units. Your email message focuses on the following concerns:

- Public participation process for regulatory applications;
- Preparation of traffic studies for regulatory applications; and
- Notices to condominium associations for regulatory applications.

Presently, this Site Plan application is under review by M-NCPPC staff and other county agencies. A tentative Planning Board hearing date has been scheduled for June 30, 2016, in order to satisfy the 120-day review timeline mandated by the zoning ordinance. The following link on the Planning Department website explains the overall development review process and the various ways residents can comment during the review process of pending applications: <http://www.montgomeryplanning.org/development/>

The applicant for Site Plan 820160080 was required to submit a traffic study for our review, pursuant to the *Local Area Transportation Review and Transportation Policy Area Review Guidelines, January 2013*. The *Guidelines* state on page 15 that:

LATR traffic studies must be submitted by a registered Professional Engineer (PE), Certified Traffic Operations Engineer (PTOE), certified Professional Transportation (PTP) or AICP Certified Transportation Planner (AICP, CTP).

In accordance with these *Guidelines*, a traffic impact study for this Site Plan application was prepared and submitted by a registered Professional Engineer. The applicant's engineer prepares and submits the study to the M-NCPPC, the Montgomery County Department of

Transportation, and the MD State Highway Administration for review and comment based upon the evaluation criteria described in the *Guidelines*. A copy of the submitted traffic impact study can be found under the <http://www.montgomeryplanning.org/development> and then placing the site plan number in the Development Activity Information Center (DAIC) application box. Additionally, more detailed information on the *Guidelines* can be found at <http://www.montgomeryplanning.org/transportation>.

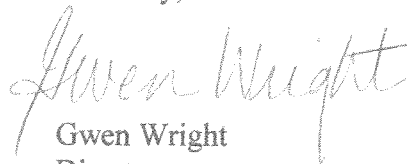
Finally, *The Manual of Development Review Procedures* outlines procedures any applicant must undertake when submitting a regulatory application. Section 4.A. (b) of this *Manual* states:

The applicant must obtain from the Development Review Division a list of the civic community, condominium and homeowner's association that have registered with M-NCPPC and are located within a one-mile radius of the center point of the subject property.

Research of the Department's registered listing of homeowner's associations indicated that neither the Bethesda Overlook HOA or the Whitely Park Terrace HOA are registered. Thus, without being registered, the applicant was not required to send a notice of this site plan application. I would strongly encourage you to contact your HOA President and the President of Whitely Park Terrace HOA and have both organizations registered and added to the HOA listing. Ms. Arnita Jackson of the Planning Department is responsible for maintaining this listing. Ms. Jackson can be reached at (301 495-4601).

The Planning Board appreciates your correspondence on Site Plan application 820160080, and hope this letter satisfactorily answers your questions.

Sincerely,



Gwen Wright
Director

GW:kr

MCP-CTRACK

RECEIVED
0268
FEB 20 2016

From: Charles Buxbaum <charles.e.buxbaum@icloud.com>
Sent: Saturday, February 27, 2016 5:47 PM
To: MCP-Chair
Subject: Concern regarding Plan No. 820160080-Development at 5151 Pooks Hill Road Bethesda MD 20814

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Madam or Sir,

I live at 5345 Pooks Hill Road, Bethesda, MD 20814. My condominium is part of the Bethesda Overlook Condominium Association. My condo, as well as all of Bethesda Overlook, is located North of the Promenade building on the Pooks Hill where there are AM and PM turn restrictions. I am very concerned that adding 631 additional units to Pooks Hill will add significantly more traffic congestion as well as create a more dangerous neighborhood.

What is the official process to object to this plan? Do I have to file for an injunction?

Will the county be doing their own traffic study? I believe that when a similar plan was proposed in 2012 or so, it is my understanding that the county was considering using the developers traffic plan. That seems like an obvious conflict of interest.

Also, I tried to access a number of the PDFs that were online for this plan on the MNCPPC website; many of those PDF files would not load. I was able to load the "Notice" list, and observed that the Bethesda Overlook Condominium (where I live) did not receive any notice, nor did the Whitley Park Terrace condo or townhouse association. Those two properties are not immediately adjacent to the development site but would clearly be impacted by traffic, as we are at the end of Pooks Hill road and subject to the turn restrictions. I am deeply concerned about Bethesda Overlook not being on the Notice list.

If possible, please give me a call at 202-210-2052.

Thank you,

Charles E. Buxbaum
5345 Pooks Hill Road
Bethesda, MD 20814
charlesbuxbaum@yahoo.com

Pooks Hill Condominium Association
5204 Pooks Hill Rd.
Bethesda, MD 20814
July 15, 2016

Re:Plan No. 820160080

Distinguished Members of the Montgomery County Planning Board:

On behalf of the Pooks Hill Square community, I want to express serious concerns about the development of the Marriott parking lots on Pooks Hill Road and ask that this be considered as part of your additional review.

I. Transportation & Traffic Issues

- The transportation options are mischaracterized as adequate. Currently, it takes four to five light cycles to turn from Pooks Hill Road onto Wisconsin Ave. Because of the left turn restrictions on Linden Ave., that is not a reasonable alternative at rush hour, when this area is highly congested.
- The complex as proposed does not even allow enough parking for a single car per unit. Though this seems to be the latest trend, cutting parking doesn't mean residents won't have cars. Indeed, current flood of on-street parked cars from the adjacent apartments already proves that this model does not work. Adding more units without adequate space for cars is perpetuating a bad policy and will add to the already congested on-street parking—making it more difficult for cars and the Ride On bus to function. Our community's parking lot, though on private property, may also suffer as these new tenants seek somewhere, anywhere to park. This would cause our community to incur additional costs to implement further parking protocols. There is simply no room for additional on-street parking of the cars from these tenants will undoubtedly have, despite the proposed "less than one car per unit" concept that has already proven to be a failure.
- The Ride-On Route 30 bus only runs on weekdays and then only in ½ hour increments. It is foolish to rely on this bus line for anything else besides commuter traffic unless there is an assurance no one will be going anywhere on Saturday or Sunday. As noted previously, the flood of additional cars from this "less than one car per unit" idea will cause further safety hazards to this bus route.

II. Infrastructure Issues

- Though WSSC has noted the water supply would be adequate, our community continuously suffers from both low water pressure and dirty water. The hydrants have had to be flushed at least twice in the last year, which seems to indicate that there are problems currently; additional stress on this resource will only make it worse for everyone.

- Even though it is not a component for Adequate Public Facilities review, I note that our community regularly experiences significant power outages that indicate a strain on the electrical grid.
- As to traffic lanes, the entrance to Pooks Hill Road is situated between a Metro power station and a heavily-sloped hill; it is doubtful that, even if adding additional ingress and egress lanes were contemplated, that they could actually be implemented.
- As a more general matter, the plan as proposed does a grave disservice to the area by greatly increasing the carbon footprint resulting in greater pollution, traffic, and harm to the environment at large, especially since this area was deemed as “full” according to the 1974 plan.
- As a community of homeowners, we have concerns about the additional emergencies such as criminal activity, fire and EMS that comes with high-density rental units as has been proposed. There is no indication that there will be any plans to increase police, fire or EMS support. This additional burden can’t be supported by the current level of emergency services personnel, even if it is not part of the Adequate Public Facilities evaluation.
- Specifically, the crime in our area has been escalating; street mugging, car break-ins and vandalism, excessive speed on Linden Ave. & Pooks Hill and illegal after-hours entry to Alta Vista Park are a few examples. With all the proposed additional units, these issues will only escalate.

Though the staff report seems to imply this plan is workable in the abstract, the sum of these day-to-day experiences show that it just isn’t feasible to stuff that many units into this small area.

The Pooks Hill Square community remains concerned with this proposal, both overall and as to the traffic, parking and other issues I’ve noted. My community urges the Planning Board and staff to thoughtfully contemplate these issues and examine the required research such as traffic studies and more adequate parking planning. A better overall solution would start with a smaller number of units that does not so heavily impact traffic, infrastructure, the environment or emergency services.

By requiring lower density based on the research evaluations as well as these day-to-day observances, the Board will help to support the continued quality of life of both our current and future neighbors. Thank you for your extensive and serious consideration of these important factors in your decision-making process.

Sincerely,

Dawn Adair Johnson, President,

on behalf of the Pooks Hill Condominium Association

610 Still Creek Lane
Gaithersburg, MD 20878

Montgomery County
RECEIVED

APR 8 2016

RECEIVED
0445
APR 08 2016

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

April 4, 2016

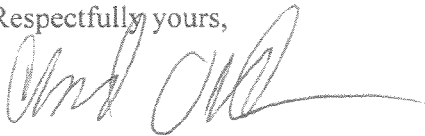
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

RE: 820160080
Pooks Hill

Dear Honorable Commissioners:

The owners of a property on Pooks Hill Road in Bethesda have **again** filed to develop the property; maybe they assume if they keep applying they will wear out the neighbors who oppose this project. This time it is plan number 820160080. Nothing has changed since they last filed, Pooks Hill road at the intersection with Rockville Pike is still over congested, the schools are still over enrolled and the area still cannot absorb the impact that these new homes will have. I strongly urge you to deny their request for changes. If you think Rockville Pike is bad, try sitting on Pooks Hill Road.

Respectfully yours,



Chad Older

Reilly, Kathy

From: Reilly, Kathy
Sent: Tuesday, July 05, 2016 6:31 PM
To: almyers@starpower.net
Subject: RE: Pooks Hill Marriot Development Plan

Mr. Myers,

The extension request for the Pooks Hill Site Plan 820160080 and the Sketch Plan Amendment 32105006A was on the Planning Board's agenda of June 30, 2016. The request for an extension was granted by the Planning Board.

Quadrangle has not withdrawn their submitted site plan or sketch plan amendment for this property and staff continues to review their submissions.

Thank you,
Kathy Reilly

Kathleen A. Reilly, AICP
Coordinator
Area 1
M-NCPPC
8787 Georgia Avenue
Silver Spring Md 20910
Email: kathy.reilly@montgomeryplanning.org
(t) 301- 495-4614 (f) 301 -495- 1304

-----Original Message-----

From: Allen Myers [mailto:almyers@starpower.net]
Sent: Tuesday, July 05, 2016 4:37 PM
To: Reilly, Kathy <kathy.reilly@montgomeryplanning.org>
Subject: Pooks Hill Marriot Development Plan

Kathy:

I note that the item to extend the hearing date to September 22nd has been removed from this week's Planning Board agenda. I'm also hearing rumors that Quadrangle has withdrawn it's development plan. Are they true and if not, why was the item removed from the agenda?

Thank you,

Allen Myers, President
Maplewood Citizens Association